INTERNET
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the Senate and committee hearings are available at

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SITTING DAYS—2013

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

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

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

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

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

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

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

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

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

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

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

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

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
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<td>Minister Assisting the Prime Minister on Asian Century Policy</td>
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<td>Minister for Social Inclusion</td>
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<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
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<tr>
<td>Minister for the Public Service and Integrity</td>
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<tr>
<td>Cabinet Secretary</td>
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<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
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<tr>
<td>Treasurer</td>
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<tr>
<td>(Deputy Prime Minister)</td>
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<tr>
<td>Minister for Financial Services and Superannuation</td>
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<tr>
<td>Assistant Treasurer</td>
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<tr>
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<tr>
<td>Minister for Defence</td>
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<tr>
<td>(Deputy Leader of the House)</td>
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<td>Minister for Veterans’ Affairs</td>
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<tr>
<td>Minister for Defence Science and Personnel</td>
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<td>Minister for Defence Materiel</td>
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<tr>
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<tr>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
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<td>Minister for the Arts</td>
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<td>Minister for Sport</td>
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<tr>
<td>Minister for Infrastructure and Transport</td>
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<tr>
<td>(Leader of the House)</td>
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<tr>
<td>Parliamentary Secretary for Infrastructure and Transport</td>
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<td>Minister for Families, Community Services and Indigenous Affairs</td>
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<td>Minister for the Status of Women</td>
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Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 10:00, read prayers and made an acknowledgement of country.

BILLS
Social Security and Other Legislation Amendment (Income Support Bonus) Bill 2012
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (10:01): I rise to speak on the Social Security and Other Legislation Amendment (Income Support Bonus) Bill 2012. This bill seeks to introduce a new tax-free, twice-yearly income support bonus for recipients of certain income support payments. The bill would amend the Social Security Act 1991, the Social Security (Administration) Act 1999, the Farm Household Support Act 1992 and the Income Tax Assessment Act 1997 to create a new income support payment. The bill comes out of a package which the Prime Minister announced with much fanfare called Spreading the Benefits of the Boom. The boom in question obviously is the mining boom. It was intended that the Spreading the Benefits of the Boom would be paid for by the MRRT, of which there has been a little discussion of late.

The Prime Minister's press release of 8 May last year said:
The Benefits of the Boom package will be funded by re-directing Minerals Resource Rent Tax revenue intended for the company tax cut.
We know what happened. It turned out to be something that we have become quite accustomed to, and that is another policy failure.

The Treasurer, Mr Swan, told us that the bill would raise $2 billion over the 2012-13 financial year. We now know that in its first six months the MRRT raised $126 million. It took a lot of effort and a lot of time to actually find out what the MRRT raised. Until very recently we have had an absolutely farcical situation where the government said that the Australian Taxation Office telling the Treasurer how much money the MRRT was raising would be a breach of the law because it would disclose to the Treasurer the identity or details of an individual taxpayer, being a mining company in this case. We were further told that, if the ATO did give that information to the Treasurer who then released publicly how much money the MRRT raised, he would be breaking the law. That was always completely erroneous because Australian tax law specifically provides for the ATO to have the capacity to give the Treasurer tax information where that is necessary for the Treasurer to discharge his duties. The tax law further provides that the Treasurer can release details of revenue to the public in a circumstance under which it might identify a particular taxpayer where the public interest benefit outweighs privacy considerations. The law is very clear on both those points so it came as no surprise to this side of the chamber when the government finally relented and released the revenue details for the MRRT.

We know why the government were hiding behind the fig leaf of some supposed advice that they could not release the information without breaking the law. It was because of the acute embarrassment that they would experience admitting that this tax, which was intended to raise billions and billions of dollars, had in fact raised little more than $100 million. It was one of the most farcical situations I have ever seen.
I cast my mind back to my days working for a former Treasurer—the last Treasurer to deliver a budget surplus in Australia. I could not imagine him saying to the Australian Taxation Office: 'Don't tell me how much money each and every tax has earned. No, don't tell me. I know you are about to tell me, Mr Tax Commissioner, but please do not tell me. Whatever you do, please do not tell me how much money this tax has raised.' Can you imagine Mr Costello doing that? I do not think so. He would want to know exactly how much money each and every tax raised. It is one of the most farcical things I have ever seen in this place.

Coming a close second was a doorstop that Mr Swan did in Queensland last week just after he returned from his latest international foray. Mr Swan enjoys spending as much time away from Australia as he possibly can these days, for understandable reasons. Mr Deputy President Parry, I would like to read to you what Mr Swan said in relation to the MRRT. He said:

... it just so happens that it's politically inconvenient that in the second half of last year commodity prices crashed and that had a dramatic impact on revenues and that occurred more generally. But these are the facts of life that responsible economic managers take into account. I just want to read that again. He said:

... it just so happens that it's politically inconvenient ... commodity prices crashed ... impact on revenues ... Politically inconvenient is the criteria that Mr Swan applies to this tax and to his determination about the policy efficacy of his MRRT. He views it through the prism of politics. He does not say, 'The failure of the MRRT to raise revenue is a failure of forecasting.' He does not say, 'The failure of the MRRT to raise much revenue is a failure of me, the Treasurer, in designing the MRRT.' He does not say that the MRRT's failure to raise significant revenue reflects on the competence of the government of the day. He does not say that the MRRT's failure to raise revenue makes a complete farce of the Spreading the Benefits of the Boom policy package, of which this legislation is a part. He does not say that the failure of the MRRT to raise significant revenue means that the government has spent money, in many cases money that it does not have, in delivering parts of the Spreading the Benefits of the Boom package. He did not say any of those things. He did not make any of those observations, which would have been quite appropriate to make. The only observation he makes is that it is politically inconvenient. It is quite extraordinary that that is the Treasurer's summation of the MRRT policy failure.

This legislation was framed against the backdrop of trying to curry favour through putting particular amounts of money in particular voters' pockets. It was purely driven for electoral politics. It was, I am sure, also driven by a concern that Australians were starting to feel the impacts of the carbon tax on their cost of living. That is the genesis of this particular piece of legislation. It is pure, naked, electoral politics and nothing else. But there is one positive about this piece of legislation that is before us. It does give us the opportunity to reflect on the Spreading the Benefits of the Boom package. It does give us the opportunity to reflect on the minerals resource rent tax and the revenue that it has not raised.

It was curious to note that some on the other side of this chamber spoke about the need to close loopholes in the MRRT. There are not loopholes in the MRRT. The things that are referred to as loopholes in the MRRT are in fact specific design features of the MRRT. They are features designed by Ms Gillard and by Mr Swan. You cannot blame the Australian Treasury or the
Australian tax office for this particular piece of work because officials with relevant expertise were excluded from the negotiations. This was done directly between the Prime Minister, the Treasurer and a number of mining companies. You cannot blame the mining companies as, I guess, they saw a pair of suckers come along and thought, 'Well, what's in the best interests of our shareholders?' You cannot blame them.

The people who are meant to be looking out for the public interest are the Prime Minister and the Treasurer. They failed comprehensively to do so. For that reason, and for those I have outlined, the opposition will not be supporting this bill.

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (10:12): On the surface of things you would think that the Social Security and Other Legislation Amendment (Income Support Bonus) Bill 2012 is great because it puts a bit more money in the pockets of those on Newstart, but when you look at it—and it is supposed to be about sharing the benefits of the boom—you see that they only get an extra $4 a week. This is a cohort of people, nearly 600,000 Australians, who are living more than $130 a week below the poverty line. You can understand why they are not dancing in the streets with getting an extra four bucks a week. In Perth that will not buy you a cup of coffee.

If the government were serious about helping those who are struggling to survive—and it is a struggle to survive when you are on Newstart—they would be doing something more than the $4 a week. This is a stunt to make it look as if the government care about the most vulnerable in the community. It is not genuine support for those that are struggling on income support. The government has transferred single parents and their families onto Newstart when their child turns eight. Is the child supposed to be cheaper when it turns eight? Is it suddenly easier to look after your family? They have dumped over 100,000 single parents and their families onto Newstart, lowering their income by up to $60 to $120 a week. The $4 is a drop in the ocean compared to the slug they have just taken. Of course, the Greens will be supporting this bill because to deny people living in poverty even a small boost would be wrong.

We are very disappointed that the government thinks this is the solution to those hundreds of thousands of Australians who are struggling to survive below the poverty line. The government seems content with this dog-eat-dog approach to the most vulnerable members of our community—those who are continuing to fall through the cracks—because $4 a week will not stop that fall. It does not take them out of poverty; it does not help put food on the table. Since the government announced this, they have had another indexation of Newstart that is not indexed in the same way as aged pensions and other pensions and does not keep up with the true cost of living. In fact, six months after I lived on Newstart for a week I compared the basket of goods and they had gone up by $7. Indexation did not go up by that much for those people living on Newstart. The $4 they are getting a week now does not keep up with that increase in the cost of living.

This is not the action of a government that cares for its community or cares for the most vulnerable in that community. This is an extra $210 a year that will be paid in twice-yearly instalments. Those living on youth allowance and trying to study are trying to live at $170 below the poverty line, because they receive $42 less than those trying to survive on Newstart. This shows how out of touch they are if they think this is going to
go anywhere near addressing the huge financial difficulties of those living on Newstart. Only the Greens are actually prepared to help look after the most vulnerable members of our community. We know that Newstart needs to be increased and that is why I have introduced a bill to increase Newstart by $50 a week. Although that does not fully address the gap between Newstart and the poverty line, it does at least give a meaningful additional payment to those struggling to survive. I will be introducing another bill to address the government's cuts to single parents that will provide a supplement to all of those single parents trying to survive on Newstart, because, of course, the Howard government's welfare-to-work changes, brought in in 2006, moved single parents—other than those who were grandfathered—onto Newstart, and it is those parents who are doing it even harder than those trying to survive on parenting payment single.

The bill I will be introducing will provide a supplement of $40 to all single parents, which will help those who are already struggling to survive on Newstart as well as that new grandfathered group that has been moved onto Newstart. It will also address the issues around the taper rate for single parents. The government says, 'We dumped over 100,000 single parents onto Newstart to help them, to encourage them, to find work.' We know that is a fallacy. We know from the mothers who have told us how they are struggling to survive on Newstart and as that new grandfathered group that has been moved onto Newstart as well. The pressures of looking for full-time work are impossible for me. It is negatively affecting my ability to parent my son. Trying to manage everything with less money is a
Mount Everest of burden on my shoulders and my son's wellbeing is bad. He is feeling my pressure. You must change the legislation back and give more, proper support to single parents and mothers and fathers with children of all ages.

Another mother says:

I am unable to plan! I will no longer be able to register my car!! Buy new tyres!! Replace light bulbs!! Buy new shoes!! Purchase head lice treatment! House and contents insurance, pay debts, let my daughter go to birthday parties as I can no longer buy presents. Unable to sleep!! I DO WORK in part-time employment. I DO study a full-time course. I volunteer at my neighbourhood house community school.

I have received hundreds and hundreds of emails and letters from parents expressing similar concerns.

I have an example of a parent who was sick and could not make her interview at Centrelink. Her payments were cut because she could not make the interview. Her Centrepay payments were not met, therefore her rent was not paid. She has been made homeless. That is how Australia cares for its most vulnerable members of our community—by plunging them into poverty, making them unable to support their children and unable to pay their rent and making them homeless. That is not the sign of a caring community.

We know that those on income support are living below the poverty line. We know they make up a large number of the people that have to access emergency relief services. We know that their children are living in poverty. We know the lifelong effects that poverty has on those children's chances. We know from Anglicare's *When there's not enough to eat* report that children are going to school hungry or being withdrawn or not sent to school because parents cannot provide lunch. When children do go to school hungry, it is not a good situation to be learning in. We know that, if you cannot learn and you do not learn and do not get a good education, that lowers your job prospects into the future.

It is not as if we do not know what impact poverty has on children’s lives and their lifelong chances. Yet this government thinks that $4 a week will fix that. This is a joke. It is a cruel joke on the most vulnerable members of our community. This is not sharing the benefits of the boom. If we were sharing the benefits of the boom, we would be making sure that we were supporting the most vulnerable Australians and caring for the most vulnerable Australians, because that investment not only helps now; it helps those families' long-term prospects and futures. An investment now is an investment for the future. An investment through a proper mining tax would properly share the benefits of the boom. If we were not more interested in keeping the big miners happy and keeping money in their pockets than we are in the most vulnerable members of our communities and the children that this government says it cares about, we would be investing a lot more than $4 a week in these families. These families are struggling to survive on Newstart, which is more than $130 below the poverty line.

Single parents who have been just managing to survive have been plunged into circumstances where they cannot make ends meet. They cannot make ends meet on Newstart. And $4 a week is nothing but show from this government: 'Look—we're sharing the benefits of the boom. We are putting money into parents' pockets.' Well, they are not. They put $4 in and took between $60 and $120 a week out. How is that the sign of a caring government? How is that sharing the benefits of the boom? It is not. Making children homeless does not share the benefits of the boom.

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CHAMBER
Anglicare’s report found that 45,000 households using their services were unable to feed their families properly. Three-quarters of the adults participating in the study said that they had run out of food in the last three months and could not afford to buy more. In other words, they were going hungry. Seven out of 10 said they had cut the size of meals and six in 10 are regularly skipping meals altogether. These adults and their children are going hungry. Children who are hungry are often reported to be grumpy, upset, embarrassed or withdrawn. Often they have behavioural problems, struggle to pay attention at school and are isolated from their friends. Parents in the Anglicare survey described keeping their kids home because there was nothing to put in their lunch boxes or not letting them have friends come over after school because there was nothing to eat and share.

The Senate inquiry into the adequacy of Newstart agreed:

On the weight of evidence, the committee questions whether Newstart Allowance provides recipients a standard of living that is acceptable in the Australian context for anything but the shortest period of time.

We know that 62 per cent of those on Newstart have been on it for longer than 12 months. That is not a short period of time. How is $4 a week going to help these people? How is $4 a week going to help them pay the bills and manage to make ends meet? How is it going to help them pay the ever-increasing cost of rent? It is not.

Many, many people have been calling for an increase in Newstart—the Henry tax review, welfare groups like ACOSS, UnitingCare, the Salvation Army, economists and the Business Council of Australia. They are calling for at least a $50 a week increase in Newstart because Newstart is too low to live on. ACOSS reports that 25 per cent of single parents and their families live below the poverty line, and of course that data was from before single parents were transferred onto Newstart. There are almost 600,000 children living below the poverty line.

If you are struggling to survive on over $130 below the poverty line, what do you think $4 is going to do for you? It is not going to be able to raise you out of poverty. It is not going to pay for school books, for the spiralling cost of food, for car maintenance and for the spiralling cost of utility bills. It is not going to help you study. If you are a single parent who has not started studying you might as well forget studying, because you are not going to get the education supplement either. You do not make the benefits out of transferring from part-time work to full-time work because of the government's transferring you to Newstart and the effect of the tapering rate on the payments that you can take home. You are in trouble every way you look.

And what is the government's response? Four dollars a week, because they would rather care for keeping big miners happy than those more than 100,000 single parents that have had money taken out of their pockets and those on Newstart, youth allowance and Austudy who are all struggling below the poverty line. On top of not being able to survive, they are also struggling with inadequate job services. Job service employment agencies are not meeting the needs of the long-term unemployed. They are not able to help people find work. Not one person on Newstart that I have spoken to does not want to find work. They face multiple barriers to employment, not the least of which is struggling to survive below the poverty line.

It is time that we paid attention to supporting the most vulnerable in our community. We will be supporting this bill,
because of course every cent helps; but they need $50 a week at least, not a measly $4 a week. Ultimately this is about the sort of society that we want to live in. We want to live in a caring society, a society that cares for people, not in a dog-eat-dog community, which is what the government and the coalition obviously want to see. The coalition are not even supporting a measly $4-a-week increase. This is about people who have fallen on hard times. How we treat people is a sign of how caring our society is—how we treat single parents who are struggling to balance work and looking after their kids, the kids that are our future. Do we want to become a more caring society where we use some of the wealth of this country to look after those that are doing it tough, or are we going to attack them and keep them living below the poverty line, unable to support their children, unable to make ends meet and continuing that cycle of poverty? If we significantly support the most disadvantaged, it helps them and our community.

Senator MILNE (Tasmania—Leader of the Australian Greens) (10:32): I rise today to make comment on the Social Security and Other Legislation Amendment (Income Support Bonus) Bill 2012. As my colleague Senator Siewert has just said, it provides for a totally inadequate supplementary payment for recipients of Newstart, youth allowance, parenting payment, Austudy and Abstudy. A supplement of $210 a year, paid in two instalments of $105 in March and September, is completely and utterly inadequate and unacceptable. As my colleague has just said, $4 a week is a complete affront to the idea of equality of opportunity in Australia. Oscar Wilde once said:

… to recommend thrift to the poor is both grotesque and insulting. It is like advising a man who is starving to eat less.

That is precisely what the coalition are doing by saying they will not support it at all and what the government is doing by saying that $4 a week is enough.

I want to congratulate my colleague Senator Siewert for the huge amount of work that she has done in recent years to try and bring the absolute inequality that is going on in Australia to the public eye. She took on the Newstart allowance and, through trying to live on that allowance herself, was able to highlight all of the issues associated with trying to provide for transport, trying to clothe and feed a household and trying to pay the disproportionate amount of money that goes to paying rents in a society where the cost of renting is now so high and so extreme—particularly in communities affected, as we have seen in Senator Siewert's state of Western Australia but also elsewhere in the country, by the huge boom in the mining industry—that it is out of the reach of many people. That is why the poorest are becoming homeless.

We really need to ask this question: what sort of society do we want to live in? Do we want to live in a society which has a growing gap between the rich and the poor—which of itself then ends up with a society with lowered life expectancy, poorer health outcomes and less educational opportunity for some because a few want to maintain the wealth that they have to the exclusion of others? I found it particularly obscene when I heard last week that Marius Kloppers had left BHP, taking $75 million on top of his wage with him as he left the company—$75 million. This is a company, BHP, which only paid $77 million in the mining tax to the Australian people for the Australian people's ore that BHP was making its huge profits with. The fact that BHP could write off its poor judgement in terms of its African operations in Mozambique, for example, and use that not to pay an appropriate tax in
Australia just shows you that we have both a
government and a coalition who are bending
over backwards to facilitate the mining
industry to the detriment of those in
Australia who are struggling—and there are
many of them. I draw attention to the single
parents. Taking away that support from
single parents because there was a hole in the
budget because the mining tax was not
paying and there was a refusal to fix it,
letting Marius Kloppers walk away with $75
million whilst taking the money out of the
pockets of single parents, is surely an affront
to what a decent country would look like and
to making sure you address this issue of
equality of opportunity.

Over the weekend there had been much
discussion about the implementation of the
Gonski review and trying to get a fair
amount of funding into the schools which are
the most disadvantaged. Once again, the
Greens have said: 'Yes, we will pass Gonski.
We want this new funding formula which is
fairer to go through, but we would like to see
priority given to the funds going first to the
most disadvantaged public schools.' If we
were a society that was actually genuine
about providing equality of opportunity to all
children, regardless of the socioeconomic
background from which they come and
regardless of where they live, then we would
be supporting such an amendment. But,
instead of that, we have got the Treasurer,
Mr Swan, who has said that making the
country a fairer place is a priority for him but
we have to create the wealth to sustain these
programs—and of course he was referring to
all the support payments. Well, he is making
the country a less fair place by not creating
the wealth that there is the opportunity to
create at the moment through the mining tax,
by not choosing to go after that, and instead
trying to take money away from single
parents and coming in here with a bill which
gives a mere $4 extra a week—in a
restaurant, a cup of coffee—for people who
are struggling to pay the rent, struggling to
put a meal on the table and struggling to get
their children back to school.

All this is in the context of people talking
about trying to get people who are currently
unemployed and on Newstart allowance, or
single parents, back into the workforce. This
is condemning them to not being able to get
back into the workforce, to having to make
the choice between maintaining a computer,
paying for internet access and so on and
actually providing what their children need
to go to school. What sort of choice is that
for a single parent? Why are we putting
people in that position? All of the recent
evidence out of the OECD, out of the Gonski
review, shows that it is the educational
background of parents that is a significant
factor in their aspirations and their ability to
achieve. That comes down to income
inequality. Income inequality has been rising
in Australia since the mid-1990s, effectively,
and the social inclusion report that came out
last year gave evidence to that effect.

The government stand up and talk about
Labor values, but the action that they take is
the antithesis of those Labor values. They are
refusing to raise the money from the mining
industry at a time when it is making
megaprofits and instead are cutting payments
to single parents and then coming in here
with a bill which says, 'We will give a $4 a
week rise in payments.' This is nowhere near
enough. It holds up a mirror to statements
about values. If you are serious about social
justice and go out into your electorate and
talk to people—to single parents, to young
people who are on the youth allowance, to
people on Austudy and to people on
ABSTUDY—you will soon find that what
we are saying is true: they are struggling to
pay the rent and to put food on the table.
They are asking the question: 'Why is it that
we are being so repressed and put down in a
society which is becoming wealthier by the minute, where the number of wealthy people is growing and the gap between the rich and the poor is expanding?"

The fact is that the middle is being hollowed out. People are either being pushed down or getting into the higher income brackets. The middle is being hollowed out, just as has occurred elsewhere in the world. President Obama stood up and said that this gap between the rich and the poor in America was a critical issue for the wellbeing of that society, and he campaigned on it in the election. I am not suggesting that Australia is anywhere near as unequal as the United States. It is not, and I am very pleased that it is not. That is because we have a long tradition of trying to maintain an equal opportunity for all, regardless of where they have come from or the personal circumstances in which they currently live. That is an aspiration which I think most people, if you stopped them in the street, would say that they want to see delivered and that they think they could be proud of. But the reality is that it is not the case. Senator Siewert has demonstrated that it is not, by trying to live on Newstart. As she indicated in her speech, the price of the goods that she bought during her time on Newstart has increased by $7 a week. This bill provides a mere $4 increase, so people are still falling well and truly behind. This is nowhere near what it needs to be.

It is not just the Greens who are saying this. It is not just the social justice groups and the people out there in volunteer organisations who are providing support to people in the community who are saying this. It is not just those people in the non-government sector who are saying this. It is also the business community who are saying it, who are out there agreeing that Newstart should be increased by $50 a week and that putting people below the poverty line is unacceptable in Australia.

So where is the resistance? Who are the people out in the community backing the idea that you should not get people living on Newstart out of poverty? Who are the people advocating that we do not get people living on youth allowance out of poverty? People living on youth allowance now suffer on $170 below the poverty line. Who are the people saying that they ought not to be brought up to at least getting above the poverty line? I have not found anyone out there arguing that. But effectively that is what this parliament is doing. That is what the government is doing and that is what the coalition is doing. The coalition is doing it by saying: 'No increase. They should stay below the poverty line. The miners should not pay any mining tax at all. It is fine for Marius Kloppers to walk away with $75 million and it is fine for youth allowance students to live $170 below the poverty line.' Well, I do not think it is fine. I think it is despicable and I do not think it augurs well for the long-term health and wellbeing of our society.

But, equally, the government are pretending that $4 a week is some kind of genuine attempt to address inequality of opportunity, to address the fact that people are living in poverty and children are living in poverty. It is not enough. How many backbenchers, how many members of this Senate and how many people in the parliament are already paying for breakfast programs in our schools? I can tell you that a lot of them are, Mr Deputy President, and you probably are as well. I can tell you that around Tasmania a number of members of parliament are paying for breakfast programs in schools because they know that students are turning up hungry.
That is something that people need to take on board. Children cannot learn and cannot achieve to their full potential if they come to school hungry. That is why schools are out developing breakfast programs of nutritious food and asking people to support them. I am very happy to support them, but the point is: how we have got to this? I in a society of families and single parent families why are we getting to the point where people have to live with sending their children to school without breakfast? Is $4 per week going to fix that? I do not think so.

It is also about providing nutritious food to students. As we know, children need nutritious food to grow so that they achieve their full physical and mental potential. This is not happening; more and more children across Australia are living in poverty and have poorer health outcomes and poorer educational outcomes, and therefore less ability to get work and less ability to achieve their full potential.

It is not fair; it is not a fair and just society. Nor is this a parliament that cares. If there is one thing you can say about this bill—this social security bill that is giving a mere $210 a year to people on these allowances—it is that this parliament does not care about people living in poverty in Australia. It does not care about the fact that children are going to school hungry and it does not care about unequal health outcomes.

The Greens do care. We do care, and that is why Senator Siewert has developed her own bill to increase Newstart by $50 per week. That will cost about $2 billion a year. We also have the intention to go ahead with this additional Newstart allowance. We know it costs money, but we know that the money is there to be had as well. If the government would get behind us and if the coalition would abandon their cruel and unjust policy of refusing to tax the miners and we actually got the money from the mining tax, we could do the right thing. We could care for people living on Newstart, on youth allowance, on parenting payments, on ABSTUDY and on Austudy. We could care for those people. Surely that is what we want. Long term it is not only good for the people who are given the opportunity to participate in Australian society to their fullest—which is what we would ask—but it is better for our social and community wellbeing as well. When you have less disadvantage you have less anger, disappointment and frustration in the community. You have a more cohesive, happy and optimistic community. And with that you get a happier country.

Everywhere you look around the world you find that the countries that have the narrowest space—the narrowest gap—between rich and poor have the best outcomes as a nation on all kinds of social inclusion—health, education and prosperity outcomes. The more the gap between the rich and the poor widens, the more you get all those social indicators which undermine the health of your society in the long term. This is why the Greens are standing here to say we are prepared to stand up to the miners and to have the mining tax amended so that we can raise the money and block the loopholes. We are able to achieve that.

How much money are we talking about? We had this costed; the proposed changes we were making to increase the mining tax to a 40 per cent rate to fix the loopholes and to tighten up the generous depreciation provisions. That would bring in $26 billion over the forward estimates—$26 billion over four years! On that basis—if you are going to get $26 billion over the forward estimates—why would you not spend $2 billion of that a year to help children and their families to get out of poverty, or to help students struggling on youth allowance to
achieve to their best ability in the educational scenarios that they are working in?

These are Australia's children and young people, disproportionately in this category, who are being done down by an unequal system and by a government and a coalition who are not prepared to take on the big miners but who are prepared to keep people in poverty. It is a sad indictment of the way that the society is going that this can be happening and people just sit back and accept it. The Greens do not accept it. We joined single parents out the front of this parliament the last time we were here during the estimates week. Those people had heart-wrenching stories to tell of the choices that they had to make. Far from getting people into work, it has meant that in many cases it has prevented them from being able to take up opportunities for work. It is driving people deeper and deeper into poverty.

I conclude by saying again: advising a man who is starving to eat less is both grotesque and insulting. And that is what both the government and the coalition are doing. In the case of the coalition, it is refusing to give any increase at all in support, and the government is suggesting that $4 per week is somehow fair—is somehow fair!—when the mining industry is walking away with megaprofits and can say goodbye to a chief executive with $75 million in his pocket in addition to everything he has earned over the years in that position. What does that say about the gap between the rich and the poor? The Greens do care, and will continue to argue and prosecute the case for a society which cares about people as well as the environment.

Senator HANSON-YOUNG (South Australia) (10:51): I rise today to speak to the Social Security and Other Legislation Amendment (Income Support Bonus) Bill 2012 along with my colleagues Senator Siewert and Senator Milne. You have to ask yourself what has happened to the Labor Party and what has happened to the party who, under the Whitlam government, introduced the single parent pension because they knew that doing things on your own was a tough job. You have to ask yourself what has happened to the Labor Party when their values to do with looking after the most vulnerable in our community are now being traded off for what is in the best interests of people like Gina Rinehart and of the big mining magnates.

This morning the Prime Minister has announced the appointment of a new children's commissioner. It is fantastic to see this country finally catching up with the UN Convention on the Rights of the Child, which we signed over 20 years ago. But it took us 20 years to even take the crucial first step that that convention required of us, to appoint somebody at a national level to advocate for the rights, needs and interests of young people and children in this country. It took us 20 years to do that and now we have a children's commissioner, appointed today, and I congratulate the government for doing that. But this legislation is precisely the type of issue that 12 months ago a children's commissioner, if we had had a commissioner in place then, would have been screaming blue murder about given the fact that single parents and their children have had to suffer as a result of the callous cuts to the budget that the government have introduced. The fact that we are debating today a bill that gives parents an increase of only $4 a week despite their copping a reduction of up to $100 a week beggars belief. The Labor Party have truly lost their way when they are slagging single parents more when they are not prepared to stand up to the mining industry. The government wants to save $700 million by making single mothers in
particular—we know that the majority of single parents in this country are mothers—pay for the government's budget savings, rather than introduce a proper mining tax that actually would have covered the necessary costs. Rather than making Gina Rinehart pay more tax, this government is telling single mothers around the country that they have to skimp and save.

My office has been inundated, as many of ours would have been, by stories of hardship from single mothers and single fathers across the country about how tough the changes introduced by the government last year are and about the effects that they are already having on their family. Parents are telling us that they cannot afford rent and that they have had to tell their kids, when they went back to school at the beginning of this year, that there would be no school camps. Their kids will not be going to school camps this year because the government has cut their payments, some by more than $100 a week.

Of course, we hear from the government that this is all about making single mothers work harder. Well, I can tell them that single mothers are probably the hardest-working people in this country. Not only do they have to hold down jobs and put food on the table for their kids; as everyone knows, they have to do the hardest job of all of being a parent—and when you are doing it on your own it is a tough gig. These parents have been kicked in the guts again by the Labor government. Rather than standing up to the miners and telling Gina Rinehart she should pay more tax, it has said, 'Single parents, you cop it.' Where are the values that were introduced by the Whitlam government when Mr Whitlam said that single parents deserved a bit more support and that looking after the most vulnerable in our community was something that all of us as elected representatives had a duty to do?

This bill gives recipients an extra $4 a week despite the reduction in payments across the board. Senator Siewert, as we all know, has a bill before the parliament to increase Newstart by $50 a week. That is a minimum as to what should be done. It is just giving people a fair go. What happened to the idea of looking after the most vulnerable and helping those who need a little bit of a hand up every now and again? It seems to have been forgotten. Meanwhile, as Senator Milne points out, Mr Marius Kloppers walks away with $75 million cash in hand. That is not a fair go for the rest of the country. It is obscene. That is what that is.

In South Australia, my home state, there are 25,000 single parents and about 40 per cent of them are going to be impacted by the changes that this government rushed through the parliament, with support from the coalition, only a few months ago. Some of those impacts are already starting to be felt. Welfare agencies are telling stories of how the number of single parent families applying for charity assistance has grown and schools are reporting that children are not being enrolled in their school camp programs. In Adelaide over the last few weeks, many of the public schools have been having swimming week, and about $25 is required for your kid to be allowed to be involved in it. When you have just had a cut to your fortnightly payment of anywhere between $100 and $200, $25 to send your kid to swimming classes, along with all the other kids in their class, is a pretty tough ask and there are parents who have had to make the decision that their children would not go to swimming week classes because they simply could not afford them. This is the reality of what this government's callous policies do to the most vulnerable in our community.
Rather than standing up to the big miners, rather than saying, 'We could get our savings and fund an increase in Newstart of $50 a week, make sure that single parents are not slugged and make sure that we actually get something back for the community from this massive mining boom that we are having,' the government has gone to water, buckled at the knees and handed over to Gina Rinehart and her mates everything that they wanted. It is time this government stood up for the interests and the needs, and understood the vulnerabilities, of those in our community who need proper support instead of kowtowing to the needs and desires of the big miners.

As I said at the beginning, today the government has announced the appointment of the National Children's Commissioner, Megan Mitchell. Her role will be to make sure that people understand the full impact on the country's children and young people of pieces of legislation and policy decisions enacted by this parliament. I would be interested to hear what the new children's commissioner thinks of pushing single parent families into poverty, because that is exactly what this government is doing. Rather than taking the opportunity to lift people up, give them a helping hand and get them into work in an effective way, and a way that empowers and inspires them, we have seen this government just kick and kick and kick. It beggars belief that it is the Labor Party that has followed the coalition down this path of get tough, get mean, cruel policies affecting vulnerable people rather than standing by the principles of former prime ministers like Whitlam, Hawke and Keating, who knew that government had to stand up and help single parents and their families and ensure that children were not sacrificed just because the government of the day wanted to make some budget savings.

We should be seeing an increase to Newstart of $50 a week. The government does not have the guts to do that. From the bill on the table it looks as though it does not have the guts at all. There is $4 extra a week, when all of the social welfare organisations, industry groups and everybody who is in the know understand that a $50 increase is an absolute minimum to help people get back into the workforce and provide for their families. The big myth about cutting the single parent pension is that it will force people back into work. This is despite the fact that over 40 per cent of single parents are already working. They are juggling working the hours they can get, squeezing them in during school hours, being able to do the school drop-offs and pick-ups and being able to make ends meet and put food on the table, providing a safe, loving and caring home for their children.

Cutting people's payments by $100 does not really help them—particularly those who are already working—find more work. How do they pay for the before- and after-school care now? How do they make sure that their kids have everything they need? How do they keep themselves fit and able to go back to work? This is a backwards policy, a cruel policy, and it is absolutely a rejection of the very values that people like Gough Whitlam brought into the parliament when they advocated the single parent pension in the first place. It is a short-sighted policy, it does more harm than good and all the while the big miners, Gina Rinehart and her friends, are being let off the hook.

This government has to recognise that, if it wants to fund the services that our community needs, it has to get the revenue from somewhere. Fixing the mining tax, plugging the loopholes that the miners had cleverly had put in, would be a step towards making sure we had the money in the coffers to fund an increase for Newstart, to
implement the Gonski reforms in a meaningful, effective way and to fund an NDIS program. And what about affordable child care? We have just slugged single parents with a reduction in their pension, and yet childcare costs continue to rise. What is the government going to do about that? This bill is an insult to the hard work of single parent families, to anybody who is struggling to survive on the paltry Newstart allowance, and of course to all those young people who suffer on $175 a fortnight under Youth Allowance—way below the poverty line. The Greens will continue to advocate that Newstart be raised by $50 a week and that we allow single parents to earn what they can in the jobs they have without suffering the callous cuts proposed by the Labor government.

The Greens remain in this place the only ones prepared to stand up for single parents and their children, and we are proud of that. While the Labor Party has forgotten who it is meant to look after and the coalition and the miners are laughing all the way to the bank, the Greens are the only ones with the guts to stand up to the big miners and say single parents do not deserve the kicking they are getting from the Labor Party. The government should seriously consider passing Senator Siewert's bill and fixing the loopholes in the mining tax so that we can get on and start supporting people rather than pushing them into further poverty and pushing them down to a point where they become voiceless as the government forgets totally the values it was meant to uphold.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:07): I rise to speak on the Social Security and Other Legislation Amendment (Income Support Bonus) Bill 2012. This particular bill was announced as part of the government's 2012-2013 budget. The Social Security and Other Legislation Amendment (Income Support Bonus) Bill will provide many disadvantaged Australians with extra funds to count on in tough times. The bill amends the Social Security Act 1991, the Social Security Administration Act 1999, the Farm Household Support Act 1992 and the Income Tax Assessment Act 1997 and creates a new indexed, tax-free income support bonus to be paid to recipients of ABSTUDY, living allowance, Austudy, Newstart allowance, parenting payment, sickness allowance, special benefit, youth allowance, transitional farm family relief payment and the exceptional circumstances payment.

The government understands that it is very tough living on unemployment benefits. Making ends meet when you cannot get a job is incredibly difficult. Many Australians are feeling the pressure on their household budgets, and families receiving government allowances are some of our most vulnerable citizens. Some recipients of allowances can find it hard to manage unexpected costs. The income support bonus will provide $210 extra per year for eligible singles and $350 to most couples, where both partners are eligible. The bonus will be paid in two instalments each year, in March and September, with the first payments on or soon after 20 March 2013, subject to the passing of this legislation. For single recipients the initial income support bonus payments will be $105. The payment to most people who are a member of a couple will be $87.50. As is the case with other supplements, each entitled member of a couple separated by illness, or a couple where a partner is in respite care or a couple where a partner is in jail will be paid the single rate of $105. Recipients will not have to apply to receive the income support bonus. Payments will be made automatically by the Department of Human Services to those who are eligible.
As I said, it is very tough living on a Newstart allowance but long-term unemployed, intergenerational joblessness and welfare dependency is beyond tough; it is a tragedy. It is vital that the Newstart allowance continues to provide a strong safety net for people who have lost their job. We know Newstart allowance now supports a more diverse population than it used to, so it is even important that we keep the focus on work because having a job is the best safeguard against poverty. It is the only permanent solution to unemployment. That is why we have invested $5.9 billion and reformed Job Services Australia to target assistance to those who need it most. The government is focused on creating jobs. Helping people back into the work is partly about targeted assistance, but more about strong economic management to create the conditions that support jobs.

The government recognises that the issue of adequacy is about lives, and it will not turn its back on the issue or the people who are doing it the toughest—some of the most vulnerable in our community. It is also why with this measure the government is providing more than $1.1 billion over the next four years to help people who receive these income support allowance payments to manage unexpected cost-of-living expenses. People on Newstart allowance will continue to have access to a range of additional payments and supports, depending on the person's circumstances, including rent assistance, the family tax benefits, childcare support, payments to help with specific costs like medicine or telephone bills and, of course, concession cards.

The budget bottom line always has to be a central consideration, which this government does not walk away from for a moment. The modest extra assistance provided through the income support bonus strengthens the existing support whilst being framed against a background of fiscal prudence, given the tough budgetary considerations of the government and the ongoing priority on jobs. This new payment, along with related measures such as the doubling of the liquid assets waiting period and the increase in the tax-free threshold, will assist some of the most disadvantaged in our community to manage their budgets as they deal with rising living costs.

The government has welcomed the report of the Senate Education Employment and Workplace Relations Reference Committee on the adequacy of the allowance payment system. The government is careful and is seriously considering the recommendations of the committee. Any increase in the rates of Newstart and other payments would come, obviously, at a significant cost. We cannot simply ignore the cost pressures in the current budget environment, and we will need to make some difficult policy choices. This measure will help both new and long-term income support recipients, including those in receipt of the Newstart allowance, to manage and be more resilient to unanticipated expenses. I thank those senators who have spoken on this bill, and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Fawcett) (11:13): No amendments to the bill have been circulated. I will call the minister to move the third reading, unless any senator requires that the bill be considered in a committee of the whole. I call the minister.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:13): I move:

That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012
Second Reading
Debate resumed on the motion:

That this bill be now read a second time.

Senator FAULKNER (New South Wales) (11:14): When the Senate last sat, I was making the point that the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012 will lead to important machinery reforms to electoral law. The amendments in schedule 1 of the bill will simplify and improve the administration of postal voting. Of course the framework of our Australian electoral system is built around Australians voting in person at their local polling booth on election day, with any other form of voting being the exception. The simple fact is that this pattern is slowly but surely changing with every election.

For example, according to AEC data, in the 1993 federal election there were 308,412 postal votes cast. Two federal elections later, in 1998, there were 502,372 postal votes cast. In the 2004 federal election there were 613,277 postal votes cast, and in the last federal election there were 854,726 postal votes cast. So from 1993 to 2010 the number of postal votes cast has almost tripled.

The total number of provisional, absent and pre-poll votes has also risen significantly. According to AEC data provided to the Joint Standing Committee on Electoral Matters, there were 377,831 pre-poll votes in the 1993 federal election. The number of voters pre-polling had almost doubled by 1998 when 727,071 pre-poll votes were cast. In 2007 it was well over a million—1,110,334 pre-poll votes—and the AEC's submission to the Joint Standing Committee on Electoral Matters inquiry into the 2010 election stated:

Just 1.5 million pre-poll votes were cast at the 2010 federal election, representing an increase of 37.9 per cent on pre-poll votes cast in 2007.

Increasingly busy family lives and broader economic and social change mean that Australians work and travel on weekends, including on election weekends. Also, with our ageing population, I expect many Australians are likely to take advantage of more convenient voting options in the future. There is a clear trend in how the community wishes to engage in the electoral process and it is important that Australia's electoral laws facilitate Australians exercising their democratic rights.

This bill will make practical changes to modernise the postal voting provisions of the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act. The bill will facilitate the use of technology and improve the ability of the AEC to efficiently and safely process postal vote applications. The AEC has assured the Joint Standing Committee on Electoral Matters that these changes are needed and that they will not compromise key integrity provisions such as the matching of returned postal votes to an application, the initialling of ballot papers and the preliminary scrutiny provisions.

The amendments in schedule 2 of the bill will increase the nomination deposit paid by Senate candidates from $1,000 to $2,000 and increase the nomination deposit paid by House of Representatives candidates from $500 to $1,000. The last time deposits were increased was in 2006. These increases were recommended by Joint Standing Committee on Electoral Matters and are supported by the government. The amendments in schedule 2 will also increase the number of electors required to nominate an endorsed
candidate for the Senate or for the House of Representatives from 50 to 100 electors. I think it is reasonable to expect that a dinkum candidate in a seat of 60,000 to 80,000 electors should be able to get 100 of those electors to nominate them. The amendments strike a balance between providing the opportunity for all eligible citizens to stand for parliament while at the same time putting in place some reasonable threshold of support for a candidate to meet for nomination.

The amendments will, hopefully, deter vexatious candidates and stop the size of the Senate ballot paper unnecessarily ballooning. At the 2010 election, in the state of New South Wales the Senate ballot paper contained the names of 84 candidates across 33 columns.

Senator Xenophon: A tablecloth!

Senator Faulkner: The 'tablecloth' was the name given—as you would know, Senator Xenophon—to a ballot paper for the New South Wales Legislative Council.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! Senator Faulkner, you will address your remarks through the chair.

Senator Faulkner: Thank you for drawing Senator Xenophon to order, Mr Acting Deputy President, for that very unruly interjection that he made! I was making the point that in the 2010 election the ballot paper for the Senate in New South Wales was 1,020 millimetres wide, so over a metre wide, and the print—and this is important—was down to 8.5 points in size. My understanding is that effectively a ballot paper of 1,020 millimetres is the widest that can be physically printed. I am concerned that if we have more groups on the New South Wales Senate ballot paper we are going to have to supply magnifying glasses to voters! But I do say that these amendments will impose a slightly higher but still modest requirement on candidates standing for parliament to demonstrate some threshold of community support.

This bill contains a number of practical measures to improve the electoral process in Australia. I am very pleased that there is broad support in the parliament for these changes. I commend the bill to the chamber.

Senator Carol Brown (Tasmania—Deputy Government Whip in the Senate) (11:24): I rise to make my contribution to the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012. This bill will build on the strong record of electoral reform already delivered by the federal Labor government. Since coming to office we have made a number of changes to the Commonwealth Electoral Act 1918 and associated pieces of legislation to improve the transparency and strength of the Australian electoral system. It is also worth putting on record that those opposite have opposed many of these changes every step of the way and that they are still opposing legislation that would reduce the threshold before political donations are required to be declared, as well as other key measures proposed to strengthen and enhance Australia's electoral system. But I understand that those opposite will support this piece of legislation that makes a number of changes to the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act 1984.

The bill before us will enact a number of recommendations made by the Joint Standing Committee on Electoral Matters, JSCEM, of which I am a member, in its report on the 2012 federal election. The first schedule of the bill will see a modernisation of the postal vote process used in elections. As the Special Minister of State, Mr Gary Gray MP, has pointed out, 110 years ago the
Commonwealth Electoral Act provided for postal voting in much the same way that it is conducted today.

Currently, the act provides that applications for postal voting are made to the divisional returning officer who processes the applications before the postal vote packages are sent to the elector. These postal votes are then returned to the divisional returning officer for processing and counting. This process has worked well in the past when there was a limited amount of postal votes, but in today's modern society more and more people are using the postal vote service to cast their votes in elections. The evidence backs this up. At the 2010 federal election the Australian Electoral Commission, the AEC, processed over 800,000 postal votes. This was a significant increase on the number processed at the 2007 federal election.

It is time for a modernisation of the process, and that is exactly what this bill does. It allows for the AEC to send out postal vote applications to electors and for them to return their postal vote applications to the Electoral Commissioner or an assistant returning officer. This will streamline the process to deliver an improved manner for processing postal vote applications and the issuing of postal vote ballot papers. As well as improving the application and processing arrangements for postal votes, the bill will make amendments to the Electoral Act to allow for voters to make an application for a postal vote online.

These amendments are expected to help facilitate a greater number of Australians to use postal votes in future elections, which can only be a good thing as we should be doing everything possible to maintain the franchise and ensure that Australians have the opportunity to have their say in the political process. These amendments have also been written to allow for future technological changes.

The bill will increase the deposit required to nominate for the Senate from $1,000 to $2,000 and from $500 to $1,000 for candidates standing for House of Representatives elections. These changes have been made to address the increasingly large number of Senate groups contesting elections. They are designed to discourage those candidates who are not serious in their pursuit of public office and thereby reduce the number of candidates on the ballot paper.

I must say the Senate ballot paper has not been a huge problem my home state of Tasmania since we saw off the National Party in Tassie, but at the 2010 federal election in New South Wales there were 84 candidates across 33 columns. I imagine this would have made for an incredibly large ballot paper. Of those 84 candidates, 42 received fewer than 200 first preference votes. That means that the total formal votes polled by those candidates was only 2,697 or 0.006 per cent of the total formal vote. None of these candidates came from a group that had a candidate elected and they all lost their nomination fee. With the increasing number of candidates, we have seen significant complexities with the Senate ballot paper, making it more difficult for electors to cast their votes. The last time the nomination fee was increased was back in 2006. These increases have been recommended by the Joint Standing Committee on Electoral Matters and are something that this government is supporting through this legislation.

The bill will also make complementary amendments to increase the number of nominators for an unendorsed candidate from 50 to 100 electors, as well as requiring each candidate to have the nomination form signed by 100 electors. This measure was not
a recommendation of the JSCEM report but it is based on additional advice provided by the AEC that an increase in the nomination fee in itself would not necessarily address the issue of the increasing size and complexity of the ballot paper. There is no change to the requirements for endorsed candidates.

These changes strike the right balance between providing the opportunity for electors to run for public office while at the same time putting in place some reasonable threshold to preserve the integrity of the process. Without these amendments we are also faced with a number of practical problems including the size of the Senate ballot papers, particularly in New South Wales, and the process of printing these ballots. There have also been electoral issues with the increased number of candidates and subsequent increased size and complexity of the ballot paper. The informality rate is on the increase in New South Wales.

Finally, the bill will make a number of minor and technical amendments to the act to correct errors, update language and increase the efficiency of the electoral process. The Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012 builds upon the federal Labor government’s strong commitment to electoral reform. This bill is the next step in that process and will deliver a significant modernisation of the postal-voting process, a process that has been largely unchanged for over 100 years. It will also change the nomination fee for candidates and the number of electors unendorsed candidates are required to have to nominate for parliament. These are welcome changes and ones that were recommended in the JSCEM report on the 2010 federal election. I commend the bill to the chamber.

Senator XENOPHON (South Australia) (11:32): I indicate that I do support in broad terms the measures in the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012, but I think the bill needs to go further and that is why I will be moving a number of amendments, particularly in relation to issues of transparency. At this stage we are told by the Prime Minister that the election will not take place until Saturday, 14 September but who knows what may happen between now and then? It is not a sure thing, despite what Centrebet or Sportsbet have said about the odds that there will be an election on that day. I think it is more likely than not, but we may find this to be one of the last opportunities we have for some electoral reform. I think it is important that we seize the opportunity, particularly in relation to transparency and in respect of the disclosure of donations, because our current disclosure laws are woefully inadequate.

In respect of the proposals in this bill, I think it is worth reflecting on the simplifying and facilitating of the application of technology to postal-voting arrangements. I welcome that, but I also think it is worth reflecting on what some key stakeholders have said about the current postal-voting arrangements and how these favour incumbents and the major parties. I do not think that is such a good thing in a democracy.

In line with Senator John Madigan's amendment from the DLP, I do have some concerns about the increase in the nomination deposit. I believe it would be beneficial to phase this in, given the nearness of the next election and that is why I will be supporting Senator Madigan's amendment.

Beyond the provisions in this bill, there are serious and significant problems with the Electoral Act itself. I acknowledge the work the government has done in this area so far, but a number of reforms proposed by Senator
Faulkner when he was Special Minister of State have not been followed through. I do not blame Senator Faulkner for that. It was because it was delayed in the Senate.

Senator Faulkner: It was not for want for trying.

Senator XENOPHON: I make it absolutely clear that it was not through want of trying—through the disorderly interjection of Senator Faulkner—and it was not through lack of trying. I acknowledge and applaud the work that Senator Faulkner has done on electoral reform as Special Minister of State. We do need to go further. We have an election coming up in the next few months. Senator Joyce, who has just entered the chamber, may know more about this—14 September is the nominal date but who knows whether the election will be held before then.

Senator Joyce: I will tell you later.

Senator XENOPHON: He will tell us later on. In particular, the provisions relating to disclosure of donations are a mess. They are unclear, they are inconsistent and they are almost contradictory. There are loopholes in those provisions big enough to drive B-triple through and that is an area of real concern. I believe that voters have the right to know where candidates, parties and sitting members get their funding from in accordance with appropriate thresholds in respect of donations. It is a basic matter of transparency. Currently the disclosure requirements in the act change depending on whether you are the donor or the recipient, whether the donation is to a party or an individual and whether the donation is 'personal use'. There are many loopholes in what I think is a fundamental part of a democracy. It reminds me of a quote by a man called Mr Hanna who was the campaign director for President McKinley over 100 years ago in the United States. He said there are basically two rules in politics: the first is money and he could not remember the second. I think that basically sums up the importance of getting the transparency provisions right.

For example, parties only have to submit annual returns to the AEC, the Australian Electoral Commission, whether or not there has been an election. Candidates have to submit an election return, but many party endorsed candidates simply state that all their donations went to their party and submit a nil return. Independents once elected do not have to submit another return until they come up for re-election three or six years later. To put it mildly these provisions are a dog's breakfast and it is voters who are forced to eat Chum.

Senator Joyce interjecting—

Senator XENOPHON: I am sorry, Mr Acting Deputy President Fawcett, Senator Joyce has been amused by that and is distracting me. Other countries such as the United States and the United Kingdom have much stricter rules about disclosure, including requirements for campaign accounts where each transaction can be tracked. They also have disclosure laws relating to other organisations that accept donations for campaigns on political issues, such as the notorious PACs in the United States. These rules apply across the board and apply to everyone equally—politicians, parties, candidates and other organisations. There have been many attempts to capture and disclose multiple donations made by associated legal entities in other countries, but we are lagging far behind the rest of the world. In a democracy as advanced, as robust and as sophisticated as ours, we ought to be doing better.

To try and address some of these issues I will be moving amendments relating to the time period for donation disclosures. Under
these amendments political parties, candidates and members of parliament will have 30 days to disclose donations to the AEC outside an election period. The AEC then has a week to post that disclosure on their website. At the moment we have a situation where, if a donation were made on 1 July 2011, we do not get to find out about it until 1 February 2013, some 19 months after that donation was made. Surely that time lag is simply unacceptable and is not in the interests of a transparent democracy. For instance, in the course of the poker machine reform debate of last year, I think it would have been quite interesting to find out how much money was given by various interest groups from the poker machine lobby, from hotels, from clubs and from others who have key interests, such as Mr James Packer's corporate entities, for instance. It would have been interesting to find out, within a timely manner, what donations they made and not have to wait a number of months until after the dust had already settled in the course of the debate. I think it is legitimate for us to know about that. During an election period parties, candidates and members of parliament will have 24 hours to submit their disclosure to the AEC. The AEC will then have 24 hours to post that disclosure on their website, and there is no reason why we cannot and should not be doing that.

These amendments can also capture aggregate donations where the total amount of more than one donation from the same source exceeds the threshold amount, which is currently in the order of just under $12,000. An offence provision is also included which states that an offence occurs where the disclosure requirements are not met. In this case the Commonwealth may recover an amount equal to the donation or gift, so there is a very real disincentive for not complying with the laws. This is in line with similar offence provisions that already exist in the Electoral Act, so it borrows from our current framework. The intention of these amendments is to bring some clarity and consistency to disclosure. The amendments also make disclosures much more timely which means that voters have access to current information. Postelection disclosures mean that it is all too late and no matter what voters find out there is nothing they can do.

There are many more changes we need to make to this part of the act and these amendments are a start. I note that the government currently has a bill before the Senate that aims to address some of these issues, but I hope we can get some safeguards in place before the next election. We need to get these reforms in place before another cycle passes and the political will of change disappears.

I would like to take this opportunity to thank advisers from the Special Minister of State's office and officers from the AEC who took the time to brief me on the complexities of the act. That was very useful and I am genuinely grateful for, in particular, their professionalism and the impartiality of the Australian Electoral Commission. I think we can be very proud of them on a global basis in terms of the way they conduct themselves. I think—and it is not a criticism of the AEC—they do have one hand tied behind their back under our current legislative framework. They do not have the necessary legislative tools in order to do their job as well as they could because of the inconsistencies, the complexities and the loopholes that exist in our current disclosure laws.

In relation to the issue of postal voting it is worth reflecting on a concern that was expressed by the Democratic Audit of Australia, a major interest group in relation to this. The Democratic Audit of Australia
has recommended the repeal of certain provisions of the Commonwealth Electoral Act dealing with the handling of postal vote applications. I am referring to a very good summary in the Bills Digest provided to members of parliament. It says:

In particular the Audit objects to ‘the practice whereby political parties harvest postal vote applications and use the party's post box as the return address' for the PVA. The Audit considers that this unfairly favours incumbents and offends the principles of non-partisanship in electoral administration.

The Audit is ‘in general support’ of the amendments contained in Schedule 2 of the proposed Bill. It also believes that Schedule 3 of the Bill provides for ‘important amendments’—although the Audit raises some questions about the scope and qualifications of those whose opinion is to be relied upon concerning a voter's capacity to make a voting decision.

The Democratic Audit of Australia, which, I believe, is well regarded and highly regarded for the forensic work that it does in looking at our electoral system, does recommend the bill. My question to the minister and to the government in relation to this is: to what extent are the concerns of the Democratic Audit of Australia about the practice whereby political parties harvest postal voting applications and use the party's postbox as a return address for the postal voting application being dealt with?

I was, as part of a thwarted parliamentary delegation into Malaysia just a few days ago, to look at these matters with my colleagues: Senator John Williams, who was formerly an election observer for the Republic of Georgia's elections late last year; Dr Mal Washer, a highly regarded member of the lower house and a coalition member; and Steve Georganas, a very highly regarded member for Hindmarsh in South Australia and a government member. We were invited to visit Malaysia and look at their electoral system by Bersih, the clean elections movement, the umbrella civil society organisation.

Whatever relatively minor problems we have with postal votes here in Australia are nothing compared to the concerns raised by Bersih in relation to what is happening in Malaysia. I do support this bill; I will be vigorously pursuing amendments for greater transparency because this may be one of the last opportunities we have to fix up issues of transparency in terms of donations.

Ultimately the aim of this bill is to smooth out some of the bumps in our electoral processes, but, given that we are facing another election this year, I believe this is an opportunity to make significant and meaningful changes. Another area of reform in this bill relates to the issue of the nominations to increase from 50 to 100. I note a very interesting submission from Family Voice Australia, which believes that:

… some constraints on the nomination procedure may be necessary to avoid manipulation or abuse of the electoral process. FVA considers that the proposal that, to be grouped, Senate candidates each need 100 unique endorsements, is problematic. FVA argues that groups of between two and four candidates … enjoy 'the privilege of a "group voting square", with much lower endorsement requirements than political parties who require at least 500 members to receive registration.

On the other hand, a group of six or more candidates would be required to deliver 600 or more signatures more than a political party and Family Voice Australia regards this as unfair. In their submission they say that group candidates get the same advantages as registered political parties of an above-the-line box. Registered political parties need 500 current members, and this bill should be amended to require any application for grouping on the Senate ballot.
paper be accompanied by a total of at least 500 unique endorsements, regardless of the number of candidates applying to be grouped. I think that there is some merit in that.

If we do get an opportunity to revisit the Electoral Act before the election, it would be worth dealing with that. The problem that I faced when I ran as an Independent candidate for the Senate in 2007 is that, whilst I was grouped because I had the requisite 50 signatures, my name or any identifying features were not above the line. It was just box S. That is a real disadvantage for an Independent candidate. I think there ought to be some consideration given. An issue I will take up with the Special Minister of State, the Hon. Gary Gray, as a matter of some urgency is whether there ought to be a mechanism where you can be grouped with a high threshold but have the right to have the name of the candidate or the name of the group you represent above the line. This occurs in South Australia for the Legislative Council, where I think you need only a couple of people to nominate you, but have a stricter requirement of at least 500 people, similar to a political party, but you then have the right to have your name above the line for the group that you represent or the cause that you represent. I think that would be a fair and sensible reform, because it does put Independent candidates at a real disadvantage and I think that is fundamentally unfair in respect of the current rules.

I look forward to discussing the provisions of this bill and the proposed amendments further in the committee stage. There is a lot more that needs to be done, but I do indicate that the priority that I have is to make sure we have much greater transparency in the issue of political donations. I believe that the Australian Electoral Commission with appropriate resources should be able to ensure that there is a much more timely disclosure of political donations, because, quite frankly, the current timelines for political donations are beyond a joke. They lack transparency and robustness, and that is something that we as a parliament have an obligation to remedy in the interests of greater transparency of Australian democracy.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (11:48): I would like to start by welcoming back Senator Xenophon. When I heard he had been detained in Malaysia I went on an immediate hunger strike and I was not going to eat again until they released him. As you can see, I have wasted away to a shadow, because 17 hours later they kicked him out. I was there with you in spirit. I think it will go down as one of the biggest political fights of modern time.

On a more serious note, I do concur with the message of Senator Xenophon in wanting transparency. There is always the battle that exists between, to be honest, the party structure—which likes to have the party's name as premier and the individual's name as secondary—and the reality of politics which is ultimately driven by the desires of an individual even within the party. There must be the understanding that you are voting for an individual. It has always been a concern of mine that here in the Senate we are the states house, but the discussion is always around party blocs and not around the states, which you would think it should be. When people talk about the discourse that happens in this chamber, and sometimes it is not professional, I always believe a great way to fix that would be to have people sit in state blocs rather than party blocs. It is very hard to yell at somebody who is sitting beside you. I know that idea is never going to go anywhere, but it does go to show that the Joint Standing Committee on Electoral
Matters has an immense responsibility. That is, they have to put aside their party beliefs and focus on what is in the interests of the Australian people—in delivering back to them the proper representation of their intentions without presuming that their intentions are our intentions, because our intentions are about the survival of our parties and the Independents. What we have to focus on is: is this individual getting an authentic representation of their desires in the way they vote?

You see another classic example when people vote above the line for the Senate. No-one actually knows where their preferences go. Their preferences are allocated, but no-one knows where they go. I think many people do not even understand that there is an allocation of preferences if you vote above the line. I always vote below the line in the Senate—and they say that is a great recipe for an invalid vote—because I like to allocate my own preferences for who should be last and who should be first—which is generally me.

Senator Xenophon: Do you get satisfaction as to who you put last?

Senator Joyce: I get great satisfaction. I actually work out the numbers, Senator Xenophon. I work out who should go last. Nigel Freemarijuana was up there for a long while, because I could not quite work out what he was up to. It is all about transparency and it is about being authentic to the Australian people, because this is their greatest right. In this reflection we have to understand the nefarious imbroglio that sometimes follows at the back of elections.

I do not know whether anybody at the time of the last election believed that Mr Oakeshott and Mr Windsor were going to support the Labor government. If they had known that, they may not have voted for them. I have some understanding of the seat of New England, seeing that I grew up there. I have a pretty good understanding of the seat of Lyne because it was next door to me. I think people were pretty frustrated and surprised; a vital decision, a vital form of transparency, should have been delivered back to them. These members should have given a warrant saying, 'If there is a balance of power situation, we intend to cast our vote with the Labor Party.' If they had said so, then they would have been totally entitled to do that. But I strongly believe that there was a belief in the community that they were going to go with the conservative side of politics. There was a period of deliberation, after which they went with the left-hand side of politics—the socialist side of politics, the Labor side of politics—and people felt that they had been exploited. There was no transparency in that. They kept on saying it was their own personal decision, like they had some sort of personal fiefdom and they could therefore play havoc with people's lives by letting people in New England and Lyne find out they were responsible for the delivery of a Greens-Labor Party-Independent government—the GLI club. I do not think that was fair.

Transparency is so important. After the election we had the signing of the register—that is the only thing you could call it. There was Prime Minister Gillard and Bob Brown, who had a piece of wattle in his lapel, and the guests—the bridal party—behind them. They all stood in front of that book and signed it and said that this was going to be an agreement, that this was how the country was going to be run. There were happy shots taken and off they went.

In the last week we have heard that the marriage is over—it is all finished. If it were transparent, you would say, 'That will mean there is now a dissolution of that partnership and the effect of that will be a dissolution of
this parliament.’ That would be the natural inclination. However, that is not the case. The Greens are still going to give them supply and there will be no votes of no confidence. So what does this mean? Both of them are revelling in this new independence, but they are living in the same house. They are both out on the town, but they are cohabitating. It makes no sense, unless you are trying to be a little bit sneaky and thinking, ‘Oh well, if we both present in a form that says we are independent of one another, we will both be able to collect a larger vote.’ But this is not being transparent. This is not a proper reflection back to the voters of the realities of the situation and therefore it is deceiving them, and that just mounts the frustration.

Mr Swan talks about transparency in his role as Treasurer. He says, ‘We have to be transparent in our figures.’ This is the person who has never been transparent in his figures. Not one figure that the Treasurer has given us has ever been right—not even close, not within a bull's roar. And we have got the deficit coming. We all know that surpluses do not pay back debts and that deficits just add to debts. We have got this massive debt and now we are going to get another massive deficit. If they were transparent—and they know the figures—they would come out and tell us. They would be factual; they would be honest. They would tell us the truth and say, ‘This is the reality,’ because they have known the reality for quite some time. But they have been cunning, shrewd and manipulative. With the guile of a snake they have managed to obscure from the Australian people the proper and transparent portrayal of our nation’s financial position. This is not good. This is not what a transparent government is supposed to be doing.

Then there was the other orchestrated scheme within the Labor Party. A couple of years ago the Australian people believed that the Prime Minister who was holding the reins, Mr Kevin Rudd from Nambour, from the seat of Griffith, would remain as Prime Minister. They had a reason to believe that. Of course, that was taken away from them. The voter never got the right to make that decision. It was taken away by a person who is not even in this parliament—Mr Paul Howes, amongst others. Where did he come from? Where did he pop up from? I would like to say he is obscure, but fortunately enough Paul Howes has written lots of books—about Paul Howes. He writes about one a week about himself. Mr Paul Howes, in his deliberations, decided for the Australian people that he would be part and parcel of changing the Prime Minister of this nation.

My advice to Mr Paul Howes is: if you want to be involved with politics, sign up. Come on in. Otherwise, it looks like there is some sort of nefarious proposition that people in the background, who were never, ever voted for by the Australian people, have an immense say in the direction of our nation; that someone who has never darkened the doors of this place as an elected member of parliament or as a senator has determined who our Prime Minister is going to be. And he revelled in it. He bravely wrote a book about the life of the faceless man. I wish it were the case. He has a big face. You see it all the time; he cannot get it off television. This is very peculiar.

We heard Senator Xenophon talking about alliances, allegiances and things you do not know about that happen behind scenes, about who is mates with who, who is going to dinner with who and who is going to certain parties in certain towns with certain people who are very powerful. What does this relationship mean? The trouble with Mr Howes is that we do not get disclosure on that. He does not have to fill out a senators' or members’ interests statement.
So we do not quite know what is going on there, yet he has the capacity to affect the direction of this nation. That is something that truly concerns me, because that is not democracy. We are the ones who stand at the table with our hands on the Bible or the Constitution and swear an oath of office. The idea that people outside this place could have an effect on the direction of this nation is not humorous; it is totally and utterly wrong. It is contemptible. Then they openly state it. There is something that is just not right there.

So what is the point? We have the Joint Standing Committee on Electoral Matters to try and get proper representation for the Australian people: 'When you elect this person, these are the people who will hold the reins of government. This is where the influences will come from. This is the opposition. This is the treasury bench. These are the powers they have.' If that is the case then surely the greatest corruption of that is somebody who is not even on the ballot paper having power in the direction of our nation, and it is there for all to see in Mr Paul Howes. What a disgrace that is. Why are the Labor Party proud of it? How could you possibly be proud of someone corrupting the whole electoral process? There is something decidedly wrong about it.

The reason it is topical is that it is all on again. We see Mr Kevin Rudd, the member for Griffith. He pops up everywhere. Every time the Prime Minister is out at an event, up comes Mr Rudd. He says he is just getting around; he is just having a yarn to people. He is a friendly type of guy. He likes to help out. He is from Queensland, apparently. He seems to be helping out rather a lot. Some would think that possibly he is making a move to reclaim his old job. So, as is right, the fourth estate ask Mr Rudd, 'Are you intending to have a tilt at the leadership?' 'No.' He says something about cryogenic freezing—the next lot of cryogenic freezing since Walt Disney. What is this all about? He apparently says something about cryogenic freezing, and we are led to believe him. It has to be believable. 'Of course not.' Of course Kevin—the member for Griffith—is just a friendly guy helping out. Could it possibly be that he is not telling the truth? Could that possibly be the case? Could it possibly be that people are actually stacking up the numbers? Could it possibly be that we are going to see another change in government? To be honest, I would prefer that, because that would say that at least the view of the Australian people is somehow authenticated by his actions. But if it is not then we have this absolutely self-indulgent act of a sulky person running around the place throwing mud on everybody.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! Senator Joyce, I just remind you about standing order 193, about imputation of improper motives or personal reflections on members of either chamber.

Senator JOYCE: Certainly. I accept your admonishment. I hope it is not a sulky person throwing mud. I hope that, if a person is for real, they would stand up and say, 'I’m for real; I'm going to have a go here.' If they are not then for goodness sake get out of the way so someone else can. That is the only thing: get out of the way. Go away. Go hide under a rock somewhere and let somebody else do it, because this nation used to be on autopilot but there is no autopilot anymore. The last thing we saw was two parachutes leaving, and that was Julia Gillard and that person who is impersonating the Treasurer, called Wayne Swan.

The ACTING DEPUTY PRESIDENT: Order! Senator Joyce, I remind you again of the requirement to address members by their correct title, and I also draw your attention to relevance to the bill in question.
Senator JOYCE: Certainly. The Treasurer, Mr Swan, who represents a seat in Queensland—

Senator Feeney: Called Lilley.

Senator JOYCE: Lilley. Well, what can one say about that, except—dear me—when the time comes to change the sheets in the Labor Party, do not forget to change both of them? Please do not leave us with the bottom sheet. If you are going to take the top one—the Prime Minister—please take the bottom one with you as well. Let us have new linen and all sleep in a nice, crisp bed, because we cannot go on like this. This is absolute insanity.

So we need proper transparency, and I commend the Joint Standing Committee on Electoral Matters for trying to move towards it. I have concerns about messing around too much with postal votes, because out in remote areas it is extremely important for us. As we have compulsory voting, we have to be deliberate in trying to make sure that everybody gets at least their chance to vote. I have concerns that in this nation we still do not get the proper transparency. As Senator Xenophon was talking about, who is pulling the strings with whom? We do not understand. If Mr Paul Howes is a major political player then how do we bring him into these discussions? He should swear an oath with us. If he is the one that can change a Prime Minister then what is the point of this place? If it is all happening outside, why do we need this? I have to say that Senator Feeney and Senator Farrell are also numbers people but at least they are actually in the Senate, and that is fair enough.

Senator Feeney: I'll take that as an endorsement.

Senator JOYCE: We can hold you to account. You can actually be called to account and we can ask you questions. You are answerable to the Australian people. But I am very dubious about this idea that people outside, external to the political process, can have influence. When people vote for the Australian Labor Party on a ticket, there should be a little disclaimer down the bottom which says, 'By the way, a person called Paul Howes who is not elected to the parliament, likes to write lots of books about himself and runs with the fox and hunts with the hounds, to say it politely, may at a point in time decide to change the Prime Minister, and everything you voted for will be meaningless.' That little disclaimer should be put in there. Maybe that is something for the Joint Standing Committee on Electoral Matters to look at next time: those who have undue influence and were never actually elected members of parliament.

The most precious thing the Australian people have is their right to go into that little white box and decide how our nation is going to run. It is the only time when they are really the boss and run the show. So we have to make absolutely certain that that right is sacrosanct and cannot be corrupted or manipulated by people outside.

We must absolutely make sure that that right is reflected by the people for whom the Australian people vote, in a myriad of ways, in the other place and here in the Senate. People ultimately vote for an individual who is a member of the party. They never vote for parties; they vote for individuals who are members of parties and they vote for senators who are supposed to represent states.

If people vote for someone who allocates their preferences, they should know how those preferences are allocated. In the legislation, it says that, if you do not get four per cent of the vote, you do not get your refund. I can assure you that there are members of the Senate who get in here with less than four per cent of the vote. I have no
problems with that, because, with the allocation of preferences, that is how the game works. What I do have a problem with is when we do not know where the preferences go. Any person who votes above the line in the Senate does not know where the preferences go. I suppose you can look it up, but it is not evident. This is where games can really be played by parties, when people might think they know where the preferences go but it is not actually where the preferences go.

I commend this bill. Thank you very much for your attention.

Senator MADIGAN (Victoria) (12:08): Whilst I acknowledge some of the issues that the government has attempted to address in the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012 in relation to the participation of many people across the country who have tended to fall through the cracks, I have some serious concerns about the section of the bill that increases the nomination fees for candidates by 100 per cent in both the House of Representatives and the Senate. For the House of Representatives the fee will increase from $500 to $1,000 and for the Senate it will increase from $1,000 to $2,000. These increases, I have been told, have been introduced supposedly because the ballot papers in New South Wales were getting too big. Another argument that has been put to me is that it is to stop nutters or fringe groups from running for parliament. Well, who do you think you are to say who are the fringe and who are the nutters? In a democracy, all people have the right to participate in that democracy, whether you like it or not.

It seems to me that more and more people are voting for the so-called minor parties, the smaller parties, and Independents—or the fringe or nutters, as some people in this place call them—because they are sick to death of the way the parliament is run. They are taking democracy back into their own hands because they are fed up. They are taking it back where it belongs, and that is with the people. The Australian parliament is the parliament of the people. Parliament House is the house of the people, contrary to what some people may think.

I have spoken to almost half the minor parties on the Australian Electoral Commission website and, without fail, every one of them sees these increases—as a deliberate attack on the ability of small and medium parties and Independents to participate in the democratic process. Representatives of groups as varied as the Christian Democratic Party, the Socialist Alliance, the Liberal Democratic Party and Family First all stood together in opposing these increases and in stating that they see the deliberate attempt behind these increases by the duopoly of Australian politics and they will not forget it when the parties come on their three-yearly crawl for preferences. They are not going to forget it. The fact is that the major parties on both sides in this place want the preferences when it comes to election time, but they want to curtail the ability of the smaller parties and Independents to participate in the political process. Quite frankly, I can see why there is a lack of will to deal with the duopoly in this country, when now we have a situation where we are going to install the duopoly in the political process.

We heard earlier today about the party machines. I agree with Senator Joyce about state representation. Personally I do not believe senators should even be ministers. I believe ministers should all be in the lower house so that the Senate can actually do its job and represent the states. I am sure there will be plenty of people in this place who
would not like that opinion. There are plenty of people in the coalition and the ALP—and we have heard Paul Howes from the AWU mentioned—who will not have any trouble with the nomination fees. We do not hear much talk about these increases in fees and the fact that they are going to come in as of 1 July this year. And you wonder why the smaller parties and Independents view this increase in the fees with some cynicism, when we are on the verge of a federal election.

We in the DLP and the other minor parties support Senator Xenophon’s amendments for the transparency of political donations. The Constitution talks about taxes. Maybe the Senate Select Committee on Scrutiny of New Taxes should have had a look at this bill, because I wonder whether this is a tax on smaller parties and Independents to drive them out of the democratic process.

As I said earlier, while I acknowledge the government’s attempts to engage people who now fall through the cracks, I think there are major inconsistencies with what is being said in this legislation. You are telling people A, B and C, and you are doing X, Y and Z. Let me assure you that the smaller parties will not forget what is being foisted upon them with this bill.

Senator Sinodinos (New South Wales) (12:14): I have been taken aback by the brevity and the eloquence of the previous speaker, Senator Madigan! I rise to speak on the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012. I heard, while I was on my way here, about how this bill might reinforce some sort of duopoly when it comes to the political market. I do not believe that that will be a result of this bill. It is true that the Australian electorate historically has largely looked to two great political blocs—the Labor Party and the coalition in its various forms—over the years as to who would form the government. It is true, if we go back to the Cold War era, that it could be said that something like 40-plus per cent of the electorate were rusted onto one side or the other, and the rest were somewhere in the middle and in play.

Those days have gone. I really believe those days have gone. There are fewer and fewer rusted-on supporters. In some ways that can be a good thing because it means that we all have to work harder in the political market to earn their vote. Some say, ‘Oh, but it means there is a lack of ideology today; that politics becomes too much a managerial game. It is about who can best manage the system—there is no fire of ideas’. I disagree with that latter point, and I can come back to that later.

Today, I think that people do want authenticity in politics. That is what they are looking for and they will look for it wherever they believe they can find it, whether it is in the independents or in the major parties. It is an obligation on all of us. If I look at the returns from various elections in recent times it is clear that people are prepared to move, and move very sharply—often at odds with their previous voting patterns—if they believe they need to send a message to one side of politics or to the other. I believe that when it comes to the role of independents that, frankly, sometimes independents are—particularly in the Senate context—thrown up as a result of the vagaries of the voting system. That can happen, as we saw in a previous parliament with a senator who from Victoria was not expected to win but did because of the quirk of certain preferences. That can sometimes be a bit of a surprise, but at the end of the day everybody gets judged on their performance whether they are the major parties or the independents.
Therefore you can argue about monetary limits, or the number of people who have to agree for someone to be put forward as a candidate to be nominated; you can argue over specific amounts, but I do not believe that any of those levels in any way militate against the participation of anybody in politics who wants to participate. I believe that we have a system that allows people from lower incomes to participate. I do not believe that the system has become entirely the preserve of the most moneyed groups whether they are corporate interests or trade union interests. The issues around who the major parties represent are important issues in their own right, but I do not think they are necessarily issues for this bill.

I have a particular view about where I think the Labor Party should go, but any advice I give them on that subject is obviously gratuitous. They are not going to listen to what I have to say, they will treat it as self serving. But I honestly believe that the future of Labor is to go down the route of some of the suggestions that have been made in various reports over the years, including by distinguished people who have since joined this house, like the junior senator from New South Wales and Minister for Foreign Affairs, Senator Carr, and by Senator Faulkner, who has been a long-standing believer in reform of that party. I say that in all humility because I believe that all parties should be very careful about becoming in any way too beholden to any one particular group. That is why within the coalition, or certainly within the Liberal Party, I have always supported—perhaps not as consistently as I should have—the idea of being a grassroots party that keeps its doors open to everybody to the maximum extent possible so that you are not beholden to any one interest. I think that is very important when you are selling your wares to the public.

In today's world, where you have far fewer rusted-on supporters, you have to be able to make your case to a much broader centre. Senator Feeney may know more about this than I do, but sometimes in research, for example, you find very significant groups in the middle who are swingers. Those people do not swing on ideology; they swing on outcomes. They swing on results. They swing on sending a message when they think one side of politics or the other is getting too far ahead of itself, or has done something wrong and deserves a particular period in the sin-bin. I am broadly optimistic about the future of Australian democracy. I think we have a very robust democracy. I do not believe any of the machinery aspects of this particular bill will do any damage to our democracy per se.

There are some broader issues that we all have to confront, and it is true that often confronting our own self-interest is possibly the hardest challenge of all. I remind people of the words of Kevin Rudd when he talked about the test of reform. He said that the test of reform is the capacity to take on your own supporters. We saw this with the coalition with gun control in 1996; the major issue was not being in favour of gun control, because the populace at large were in favour of it—there was no doubt about that. There was a wellspring of support for doing something in light of the Port Arthur massacre. That was not the issue; rather, the issue for the coalition at that stage was how to deal with its own supporters—particularly in the bush—who were worried that some of the restrictions being put on firearms would particularly disadvantage them. That was an issue on which John Howard and Tim Fischer—the then leaders of the coalition—to their credit, were prepared to take on their own constituencies, argue the toss and argue the case through. I believe that the Labor party, in matters like industrial relations,
should take on its own base the way it did in the 1980s and 1990s when that great reform surge was based on the fact that you had trade union leaders like Bill Kelty and leaders like Hawke and Keating, who were prepared to take the Labor movement through a process of reform and greater transparency which, in the early 90s, resulted in the first moves toward enterprise bargaining.

I think it is very important that these are the tests for reform but, as I say, those particular tests do not apply to the particular provisions in front of us. In the main, I believe they are reasonable provisions and I see no reason why we would not be supporting them.

Senator IAN MACDONALD (Queensland) (12:21): I also support the legislation before the chamber, the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012, but there are some issues around electoral and referendum amendment which need to be aired in debates such as this. This bill, others related to it and the acts that this bill amends are all about elections in Australia. Of course, Australia has the enviable reputation of being one of the most democratic countries in the world where everybody has the opportunity of voting on and having a say as to their government. It does to a degree, as other speakers have mentioned, raise this question as to the Australian public, who I think in their foolishness—but it was an election and it is a democracy—in 2007 did select Mr Kevin Rudd to lead the country as Prime Minister. He was, as senators would know, the leader of the Labor Party at the time and he confused and confounded a lot of commentators by actually leading the Labor Party to a victory over what history will show was one of the best governments that Australia has ever seen, the Howard government. I think Australians became too complacent and too relaxed and comfortable and thought they could have a bit of a flutter on a new approach, so Mr Rudd led the Labor Party to a quite significant victory. But in this democracy most Australians cannot understand how the Prime Minister they elected could suddenly overnight not be the Prime Minister anymore.

At that time Mr Rudd had offended some people; his polling was not showing too much in the way of support and most Australians could not understand him when he spoke in a language that was foreign to many Australians, but they had elected him. So Australians having elected Mr Rudd had this view that, if they did not like him anymore, if they thought he was doing the wrong thing or if they thought he did not quite live up to the promises he had made, then they, as voters in a democracy, would have the opportunity to get rid of Mr Rudd. But, lo and behold, Mr Rudd did not even face the voters at the next election as the Prime Minister and many Australians still raise with me—they stop me in the street and say this—how this can happen in a democracy.

We know about the faceless men and the way the Labor Party operates and it does raise the question: for all the time that we spend on electoral bills, electoral reform and this electoral and referendum amendment bill, what is it all about when some unelected people can decide that the person that the Australian public elected as Prime Minister should no longer be there? You also have to worry about our democracy when you see, by reading NSW Independent Commission Against Corruption reports, that a person—regrettably my namesake and I hasten to assure senators and anyone who is listening to this debate that it has nothing to do with me and that he is a Labor Party person from New South Wales while I am—
Senator Madigan: On a point of order, Mr Acting Deputy President, there is the Australian Labor Party and there is the Democratic Labor Party and this generic slurring of the word 'Labor' is unacceptable.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Thank you, Senator Madigan. I am sure Senator Macdonald will be mindful of that in his further contribution.

Senator IAN MACDONALD: I take the point and I apologise to Senator Madigan and members and supporters of the Democratic Labor Party. Forgive me, Senator Madigan. You would appreciate it is a common but inaccurate description and I very much take your point. Certainly on the issue that I was talking about I want to absolutely make it clear to those listening that my namesake in New South Wales is a member of the Australian Labor Party. I am sure the Democratic Labor Party would never have even countenanced his membership.

He was a man selected by the Labor Party and the unions to represent New South Wales. They expected that he would act in the interests of New South Wales but it would appear—and I stress that there have been no charges and no convictions—from a reading of the evidence that that member of the Australian Labor Party did anything but look after the interests of New South Welshmen. He certainly seems to have looked after the interests of a select few people in the Australian Labor Party. That brings me back to this bill. Why do we spend all this time on this when we find that those in the Australian Labor Party, who currently hold government federally and until recently held government in every state of Australia, are elected not by the people as such, pursuant to the legislation before us, but by the union movement? We all know that the union movement currently represents less than 17 per cent of Australian workers, so you have a group that represents less than 17 per cent of Australian workers—not Australians but Australian workers—actually controlling and running the Australian Labor Party and who then decide, at the flick of a knife, whether it is Mr Rudd or Ms Julia Gillard who is the Prime Minister of our nation.

My advice to the people of Australia who might be listening to this is that, when you look around as you approach the next election, you have a decision to make as to whom you want to be running your country. Do you want some faceless men—do you want some unionists who represent less than 17 per cent of working Australians—to run the country or do you want a decent, open and accountable government of the type we had with John Howard and his team? John Howard and his team were not perfect but they were pretty good compared to this lot. I say to people: this election coming up is too important for you to fiddle with your votes. I say this particularly to Queenslanders, those in my own home state, because in Queensland there are minor parties running around—the Greens political party, the Katter party and Independents. I say to Queenslanders: if you think Ms Gillard and her team have done a good job then you should vote Labor at the next election but if you do not think that and you want to get Australia back on track then there is only one way that you can vote: for Tony Abbott and his team.

We do not have the luxury in today's day and age of being able to fiddle with parties like Katter's Australian Party or the Greens. This election will set the direction for Australia. It will attempt to bring Australia back from the brink. I have to confess, for the first time in my life I am now worried about where Australia is heading—economically, certainly, but even socially and culturally
Australia seems to be being changed by the present dysfunctional government of the Australian Labor Party, the Greens and the Independents who currently run this country. We do need accountability.

I have listened to the contributions of other senators on the Electoral and Referendum Amendment (Improving Electoral Procedures) Bill. I was impressed by what Senator Madigan had to say, though there are other issues to be taken into account. I have raised in the Senate before the issue of electoral boundaries in Queensland and people being able to vote for a lower house member who can represent their interests. I do not think the boundaries favour one party or another so this is not a partisan political comment; it is a comment about citizens being able to vote for someone they believe can represent them. We have the strange situation in Queensland where the suburb of Annandale, which is almost an inner-city suburb of Townsville, is not in the electorate of Herbert, which includes Townsville—the electorate is very well represented by Ewen Jones, the LNP member for Herbert—but is in an adjoining seat based in Mackay. I have to say the member for that seat, Dawson, is Mr George Christensen, who also does a fabulous job. He represents the people of Annandale very well. But citizens of Townsville, including the suburb of Annandale, cannot understand why their suburb, which is, as I say, almost inner-city Townsville these days, has a member of parliament who is based in Mackay, some 400 kilometres away.

To make the issue even more ridiculous, the electorate of Dawson, which covers Mackay, Proserpine, Bowen, Ayr, where I live, and parts of Townsville, does not include that part of Mackay which is called upriver from Mackay. We have the member for Dawson, based in Mackay, representing someone in an inner Townsville suburb 400 kilometres away and yet he does not represent people who are part of the Mackay community, in the upriver areas of Mackay, in the Pioneer Valley. How stupid is that? Anyone in Mackay’s Pioneer Valley would naturally think George Christensen was their local MP. I know Mr Christensen does a lot of work for those people, even although they are not in his electorate.

As an aside, one of the reasons he has to do a lot of work in the Pioneer Valley is that that part of Mackay is in the electorate of Capricornia, which is currently represented by Kirsten Livermore. I can barely remember her name. Most of the electors in the electorate of Capricornia cannot remember who their representative is, because it is so long since any of them have seen her. They cannot wait to elect Michelle Landry, the LNP candidate for Capricornia, to that seat so they can have some decent representation. I like Ms Livermore as a person—she is a nice lady—but she has announced she will not be standing, and for her that is it. You just do not see her. There have been a lot of floods in Rockhampton recently and the only person on the political scene that seemed to be doing anything for Rockhampton people was Michelle Landry, the LNP candidate. We are still awaiting some decision from the Labor government on the category C assistance to small business people and farmers in the Central Queensland region. Ms Livermore should have been jumping up and down until they got that assistance, but she has been doing nothing—and the Labor government has been doing nothing. Small businessmen and farmers can get this category C assistance everywhere else in Queensland, but in Central Queensland, in the electorate of Capricornia, it is not available. Who can understand the reason, except that they are not being properly represented by their current member?
I have diverted from the bill before us. The electorate of Dawson includes part of Townsville but it does not include part of Mackay. Then we have the electorate of Capricornia, which I just mentioned, which is not represented by Ms Livermore but she is the current member. Then there is a suburb of Rockhampton, which is the base for the seat of Capricornia, that is not in the electorate of Capricornia—it is in the electorate of Flynn, which is based in Gladstone, and which I might say is well represented by Mr Ken O'Dowd, the LNP member for Flynn. How can we have a suburb of Rockhampton in the Gladstone electorate, a suburb of Mackay in the Rockhampton electorate and a suburb of Townsville in the Mackay electorate? It just does not make sense.

I know the electoral commissioners always have trouble getting the right quotas and drawing the boundaries, and I guess it is easy for people like me to sit back and criticise. But people right throughout that part of the north—an area I regularly visit—always ask why it is that if they want something in Annandale they cannot go two blocks to Ewen Jones's electorate office; they have to go 400 kilometres down to Mackay to see their member? I use that as an example only, because Ewen Jones will see them and help them; besides which, George Christensen is often in Townsville looking after that part of Townsville which is in his electorate. But it should not happen that way. I would ask the electoral commissioners to take heed of this.

It is not—I am repeating myself, but I want to because it is so important—just the suburb of Annandale that is in the Townsville electorate; it is the suburbs or localities of the Pioneer Valley that are not in Dawson, the Mackay-based electorate. There are suburbs in Rockhampton that are not part of the Rockhampton electorate of Capricornia, but are part of the adjoining electorate based on Gladstone. It is crazy. I have a feeling that at times, the electoral commissioners, in their wisdom, start in the capital cities where they live and where most Australians live, work out the numbers there and just go out from the capital cities. Of course, when you get up north where we are, we just take what is left over.

I think it is very important that the electoral commissioners and those charged with the responsibility of having boundaries should actually seriously look at representation, because this bill before us and all of our electoral laws are about representation. They are about people electing a local member to look after their interests. The way the boundaries are drawn, particularly outside the capital city area in my home state of Queensland, are such that it is very difficult to properly administer and look after those electorates. I again pay tribute to Mr Ewen Jones, Mr George Christiansen and Mr Ken O'Dowd for the work they do in representing their areas, even those areas far away from their bases. Really, governments should do something about this.

I conclude my remarks on this bill, again, with a plea to the Australian public. This bill and the acts which the bill amends are all about democracy and accountability. They are about voting in a government you want. They are about voting in a prime minister you want; a prime minister like Hon. Kevin Rudd. The people of Australia elected him—I think they made a mistake—but that is what the people of Australia did and Australia is a democracy. We all accept that is what the people of Australia did. If we are going to have a democracy, how can you have this situation where the Australian people, having chosen Mr Rudd to be their prime minister, get to the next election and he is no longer there? Was he overturned by
a vote of the Australian people? Was he overturned by a vote of elected members of the Labor Party? The answer to both those questions is 'no.' We all know, and hopefully no-one in the Labor Party will dare to challenge this, that he was overturned because of some faceless men in the Australian Labor Party administration and some of the union chiefs—I have heard Mr Paul Howes mentioned, and I would throw in Mr Bill Ludwig from Queensland, two individuals who can practically run Australia.

How is that for democracy? Two individuals; people from the AWU who have such influence on the Australian Labor Party they can determine who should be the prime minister and who should be ministers in the government—no doubt either relatives or friends. You only have to look at the mess that has happened in New South Wales. It all started when Senator Carr was the premier there: you have these faceless men running the country. I and many other Australians sit back and say: 'Why are we debating electoral bills? This country can be run, effectively, by a couple of union heavies.' That is a worry.

I think there is a better way forward. I would hope that the Australian people might come to the same conclusion and do something about that when we next go to the polls federally. Having said that, I do, as I indicated earlier, support the bill before us.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:41): The Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012 implements three of the recommendations made by the Joint Standing Committee on Electoral Matters in its report into the 2010 federal election, specifically recommendations 12, 31 and 32. I note that the opposition members of the committee did not oppose these recommendations in their dissenting report.

Schedule 1 to the bill will modernise the postal-voting provisions to facilitate the use of technology to improve the way in which postal vote applications are made and processed. These amendments implement the government response to recommendation 12 made by JSCEM in its report into the 2010 federal election.

At the 2010 election, the Electoral Commission processed over one million postal votes, some 17.8 per cent increase on the number processed at the previous election, and I am sure that everyone in this place will agree that this is a very significant number indeed. The amendments in schedule 1 to the bill simplify the postal vote arrangements by enabling all applications to be made either to the Electoral Commissioner or to an assistant returning officer. The current requirements of the Electoral Act require that all applications must be made to a divisional returning officer, who is unable to delegate that responsibility.

These changes will facilitate a centralised processing of these postal vote applications. Assistant returning officers who may receive postal vote applications from overseas voters will be located outside of Australia at such places as the Australian high commissions and embassies or certain Australian Defence Force operations. Upon receiving an application, a delegate of the Electoral Commissioner or an assistant returning officer will then send or arrange for the sending of postal vote packages to the applicant. The amendments do not fundamentally change the existing policy underpinning the current arrangements for postal voting.

The amendments made by schedule 2 to the bill seek to address concerns arising from
the increasingly large number of Senate groups contesting elections. They are primarily focused on addressing concerns about large ballot papers leading to an increase in informal voting. The Senate election in New South Wales in 2010 provides some context for these amendments.

In the 2010 federal elections there were 84 candidates distributed across 33 columns on the New South Wales ballot paper. Of the 84 candidates, 42 candidates received fewer than 200 first preference votes—a very significant finding. None of them came from a group which had a candidate elected and all lost their nomination deposits. A total of 2,697 persons voted for these candidates.

The increasingly large number of Senate groups contesting elections has an impact on formality due to the large and complex ballot paper particularly in a voting system that requires that every single box be numbered below the line if the elector chooses that voting option. At 1,020 millimetres wide, the Senate ballot paper for New South Wales is already the largest that can be printed in Australia using currently available print technologies. If more Senate groups contest the next election than was the case in 2010, the font of the ballot paper will have to be reduced. Reducing the font size further affects the readability and therefore further increases the risk for informal voting.

Schedule 2 to the bill will increase the nomination deposit that must be paid by, or on behalf of, a candidate from $1,000 to $2,000 for all Senate candidates. It will increase the nomination deposit that must be paid by, or on behalf of, all candidates for the House of Representatives from $500 to $1,000. It does occur to me as an aside that we should never cease to remind our colleagues in the House of Representatives that theirs is a cheaper chamber to run for. The last time the deposits were increased was in 2006. The increases were recommended by JSCEM, recommendations 31 and 32, and are supported by the government.

Schedule 2 to the bill will also increase the number of electors required to nominate an unendorsed candidate from 50 to 100 electors. Unendorsed candidates are those candidates who either are not endorsed by a registered political party or are a sitting Independent candidate. Further, for unendorsed Senate candidates who have made a request to be grouped, each candidate will require 100 unique electors to nominate. For example, if two Senate candidates have made a request to be grouped, the group will need 200 unique electors. There is no change to the number of nominators required for endorsed candidates of registered political parties or sitting Independent candidates as defined in the act. The amendments to increase the required nomination and to increase the number of nominators required for unendorsed candidates seek to strike the right balance between providing the opportunity for all eligible citizens to stand for parliament while at the same time putting in place some reasonable thresholds that candidates are required to meet—thresholds that will contribute to ensuring the effectiveness of the electoral process.

There are also a number of minor and technical amendments to both the Commonwealth Electoral Act 1918 and the Referendum (Machinery Provisions) Act 1984. I thank all of those senators who have contributed to this debate on this bill and I now commend the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.
Senator RHIANNON (New South Wales) (12:49): by leave—The Greens oppose items (1) to (3) on sheet 7274 in the following terms:

(1) Schedule 2, item 1, page 18 (line 4) to page 19 (line 1)
(2) Schedule 2, items 2 to 6, page 19 (lines 2 to 11)
(3) Schedule 2, Part 2, page 20 (lines 1 to 5)

These amendments are very much needed. We do need changes to the legislation. A number of speakers have identified areas where this legislation needs to be improved and we have all had our own experiences from running in elections and working in election campaigns where you see these problems up close.

The essence of the Greens amendments is to ensure that we do not end up with an electoral system that makes it harder for smaller parties, Independents and new groups that wish to engage with the democratic process from being able to do so. The bar is being raised too high here and it is very serious. When you double the amount of money that has to be paid to put up a candidate, when you start looking at a full Senate team ticket in each state and when you start looking at running candidates in a number of House of Representatives seats, or in all seats, it becomes very costly.

It was interesting and quite informative to hear Senator Sinodinos in his contribution. He spoke about how much elections have changed. He said that people want authenticity, that they are moving away sharply from previous voting patterns and that Independents are thrown up because of the vagaries of the electoral system. So he paints a picture that we can all see: there is a shift and we cannot be so assured of how people will vote. It is certainly not like it was a decade or more ago.

However, what was revealing in what Senator Sinodinos said is that, while he was acknowledging the diversity that people are looking for so often when they go to vote on election day, the system that the coalition and Labor appear to be about to vote together on here will make it much harder for newly-emerging parties and Independents to run because it is so costly. To say that that is not the case really highlights how out of touch Senator Sinodinos is. Let us look at what the costs are. Doubling the nomination fee to $1,000 for a House of Representatives candidate and to $2,000 for a Senate candidate does raise the bar considerably. What we need to remember here—and people in this chamber have this experience—is that when you are establishing a party you are not just running in one seat, although certainly that might apply to Independents, but you are gradually moving to run in more and more seats so people get to know you, you are able to increase your vote and you are able to highlight your policies to more sections of the Australian population. Now it will be so hard to do that because the fees to run a full Senate ticket in one state will jump from $6,000 to $12,000 and to run in all seats in the House of Representatives will be $150,000.

Speaking from the Greens' experience, I have been in the party since the early 1990s when we did not run in every seat, but at each election we would gradually run in more and more seats and for a number of federal elections in recent times we have run in all seats. It has been a big cost burden on our local groups, on our state and territory sections and on the national party, but it was something that we worked hard to do. I imagine that the other smaller parties endeavour to do the same thing, but this will be a real bar to being able to achieve that, particularly if they are new parties just
getting going. I am sure senators are keeping an eye on who will be running in this election. There are a number of smaller parties out there talking to their members so they can put in for registration under the AEC to run in the coming election. They will now have this huge financial burden about to hit them, come this election, and it will be quite prohibitive for many of them.

I go back to underlining how out of touch Senator Sinodinos and some of his colleagues are. Essentially what they are saying is, ‘Yes, we can see the Australian people are looking for more diversity when it comes to voting and they’re looking for alternatives to Labor and the coalition parties, but we’re going to make it harder for those other voices to get a go and be able to run in the elections.’ If it is hard to get going, it is hard to maintain yourself and come back and run in future elections. So the Greens strongly urge other senators to seriously consider these amendments and their importance to the democratic process.

With regard to the number of nominators for an unendorsed candidate increasing from 50 to 100, that also involves an additional barrier for smaller parties, particularly those that are first establishing. I think these are matters we need to give close attention to and I look forward to hearing the debate.

Senator Ryan (Victoria) (12:56): I will not say what I plan to say twice, because I know Senator Madigan’s proposed amendment deals with substantially similar issues and I have indicated to Senator Madigan that I will be addressing a number of those in my response to his amendment. I will indicate that the coalition will not be supporting the amendments moved by Senator Rhiannon.

There are a number of things Senator Rhiannon mentioned that I think are improved by considering the wider historical context. I would suggest a couple of things. Yes, there is an increase in nomination fees for the Senate, but I think the increase in fees pales in comparison with the cost of actually running a campaign, which I accept both Senator Rhiannon and Senator Madigan have raised as also being costly. The other thing I would point out is that in the past nomination fees have actually been substantially higher. In fact, at our first election I believe the fee was £25 which, particularly in proportion to average weekly earnings, would represent quite a substantial jump. The coalition believes, as we said in the report of the Joint Standing Committee on Electoral Matters, that these changes are necessary. I will go into more detail when I respond to Senator Madigan’s amendment.

Senator Ian Macdonald (Queensland) (12:57): I do not want to take part too deeply in this part of the debate but simply to refer to the mover of the amendments lamenting how the Greens could not afford to run candidates because of the cost. I just want to alert senators to the fact that it is the Greens political party that has received the largest ever single political donation of any party in Australia’s history: $1.6 million from an individual donor. Some of the arguments I do not debate, but I just want to say that I think Senator Rhiannon speaks a little tongue-in-cheek when she says the Greens cannot afford it, when they are the recipients of such significant donations from individual wealthy donors. Not only that; much to the chagrin of the Labor Party, the Greens have also received donations from some of the faceless people that run the country—that is, the union movement and the union bosses. The Greens picked up a nice little swag from a couple of ‘recalcitrant’—as far as the Labor Party is concerned—unions, so for the Greens to be crying poor diminishes the debate before the chamber.
Senator RHIANNON (New South Wales) (12:58): Again Senator Macdonald just gives misinformation to the chamber. At no stage did I say that the Greens could not afford it. I was talking about smaller parties in general and particularly giving emphasis to emerging parties. This is about ensuring that the democratic process allows the new forces that are thrown up within our society that want to engage with the electoral process to do so. That is what I was talking about, and at least he could be accurate when he comes into this chamber.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:59): On behalf of the government, I indicate that we will not be supporting the amendments being moved by the Greens. I will at this juncture set out in more detail the government's position and contest some of the positions put forward by Senator Rhiannon. I begin, Senator Rhiannon, by thanking you for your contribution, but evidently the government has reached some different conclusions in promoting this legislation. We do not believe that the changes proposed in this bill represent the barrier or disincentive to democratic participation that you say they do.

The changes proposed in this bill, as I said in my earlier remarks, are to increase the nomination fee from $1,000 to $2,000 for Senate candidates and from $500 to $1,000 for candidates in the House of Representatives. That is increasing a number that was last set in 2006, and that will be, by the time the next election comes upon us, some seven years ago. We believe that an increase is appropriate. I suspect you may too, although you have not spoken to that. We certainly do not believe that the increase described here is a significant disincentive to our citizenry. The changes proposed in the bill will also increase the number of nominations required for unendorsed candidates—that is, those who are not endorsed by a registered political party and are not sitting Independents—from 50 to 100 electors, including for each candidate in a Senate group. I think you said in your remarks that this was a barrier to the diversity of candidates being offered to the Australian people, and again I submit that that is not the case. In fact, for candidates speaking to the diversity to which you perhaps aspire, I do not think we could say that moving from 50 to 100 signatures of unique electors is a dramatic impost upon such a candidate. For anybody putting themselves up for public office in a division of some 90,000 persons or in a state of millions—potentially many millions—that is not an onerous number. Both of these measures have been recommended by the Joint Standing Committee on Electoral Matters, and the joint standing committee obviously made those recommendations in the context of having considered those issues and indeed having held a public inquiry.

The proposed level of fees reflects the significance of nominating to be a candidate in a federal election, and I am sure we will all agree it is a most significant thing. In 1905 the nomination fee was 25 pounds. The government is of the view that the proposed new levels of fees—$1,000 and $2,000—are no more significant than those which applied in 1905. The government also notes that section 173 of the Electoral Act provides that the nomination fee is to be refunded by the AEC if the candidate is elected or if the total number of first preference votes polled in the candidate's favour is at least four per cent of the total number of votes polled. This might seem blindingly obvious, but I think it is important for us to remind ourselves and anyone listening to this debate that in fact these are moneys which are for the most part returned to candidates, and that is a very significant point. Accordingly, a candidate is
able to obtain a refund of the nomination fee if they or their Senate group can poll the requisite four per cent of the first preferences. Given the well-documented increase in the informality of votes where the ballot paper is large and complex, the government is of the view that the public interest in some candidates having to pay increased fees is far outweighed by the public interest in making it easier for the voting public to complete their ballot papers so that their vote can be counted.

A critical part of our system is the integrity of our system—making sure that all of those candidates and Senate groups that are running are indeed bona fide candidates seeking public office in good faith. We do not want to see a proliferation of candidates or tickets which are there for no other purpose than to provide preferences. I am sure that again is a resolve that we all share, and the government believes that these are amendments which strengthen our system and attend to those objectives that we all share.

Senator XENOPHON (South Australia) (13:04): I indicate that I will support these amendments, but I do prefer the incremental approach taken by Senator Madigan in his amendments. I think that if we want to safeguard against, if not bogus groups, groups that may not be bona fide and may be there as a preference funnel for other groups then the best way of doing that in a way that is, I think, more democratic is to raise the threshold.

The threshold has been raised to 100 in the Senate. I think there is an argument to raise it even higher—to say, 500, the same as that for a political party—on the basis that those groups will then have the right to have their names above the line in a group of two or more, as is the case in the South Australian Legislative Council. That is an approach that could be looked at.

I am concerned that there is such a significant jump in fees. If we are worried about groups running that do not have the bona fides, if it is a community group that does not have much by way of funds, this will act as an impediment for it to run, but if it is a group that is backed by, hypothetically, Clive Palmer, I am sure he can fund many, many candidates if he were so minded. That means that we can still have a tablecloth-size ballot paper with people who are well resourced. With $50,000 they could still have 25 groups, which would make the ballot paper almost unwieldy. That is the sort of thing that we should be considering.

A greater safeguard against bogus groups—groups that lack genuine bona fides—would be to have a higher requirement for nomination. It may even go beyond the 100 that is being proposed. That is something that would have more merit. Also, we need to consider it in the context of the relative size of states. Getting, say, 100 signatures in New South Wales is a tiny proportion of voters compared to a much smaller state. It would still be a tiny proportion but in relative terms, if you are from one of the bigger states, you have a much bigger pool of people to go to in order to get those nominations quickly once an election has been called.

Senator FEENEY: I will respond very briefly to some of the particular points made by Senator Xenophon that were not picked up in my earlier response. Senator Xenophon obviously took interest in one particular facet of my remarks and that went to, I guess, the integrity of our electoral system and making sure that candidates are there with a bona fide purpose. My only point would be that the regulatory regime that the parliament has
prescribed for elections deals with most of the matters you talked about, in the parts of the bill that deal with registration of political parties. As you would be familiar with, there is a requirement that for a party to be registered it must collect 500 names. There are various other obligations. Once a political party is successfully registered, it has an entitlement to receive public moneys and to have the name of the party appear on the ballot paper. Those obligations upon and rights of registered political parties and the general regime that applies to registered political parties deal with most of the points you are making. I think that is an area of governance where our political system has the issue amply covered.

The TEMPORARY CHAIRMAN (Senator Mark Bishop): The question is that schedule 2 stand as printed.

The committee divided. [13:13]

The Temporary Chairman—Senator Mark Bishop

Ayes....................33
Noes....................11
Majority..................22

AYES
Back, CJ
Bishop, TM
Brown, CL (teller)
Cameron, DN
Edwards, S
Farrell, D
Feeney, D
Gallacher, AM
Marshall, GM
McKenzie, B
Payne, MA
Pratt, LC
Ryan, SM
Smith, D
Sterle, G
Thorpe, LE
Williams, JR

Bilyk, CL
Boyce, SK
Bushby, DC
Collins, JMA
Evans, C
Fawcett, DJ
Furner, ML
Lundy, KA
McEwen, A
Moore, CM
Polley, H
Ruston, A
Singh, LM
Stephens, U
Thistlethwaite, M
Urquhart, AE

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

Question agreed to.

Senator MADIGAN (Victoria) (13:16): I move my amendment to the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012 on sheet 7281:

(1) Schedule 2, items 4 and 5, page 19 (lines 6 to 9), omit the items, substitute:

4 Subsection 170(3)

Repeal the subsection, substitute:

(3) For the purposes of paragraphs (2)(b) and (c), the sum to be deposited by or on behalf of a person nominated for an election (the nomination fee) is:

(a) to be determined using the table in this subsection; and

(b) to be in legal tender or in a cheque drawn by a bank or other financial institution on itself.

Nomination fee

<table>
<thead>
<tr>
<th>Item</th>
<th>If the writ for the election is issued in...</th>
<th>the nomination fee for a person nominated as a Senator is...</th>
<th>the nomination fee for a person nominated as a member of the House of Representatives is...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>the financial year starting on 1 July 2013</td>
<td>$1,250</td>
<td>$625</td>
</tr>
<tr>
<td>2</td>
<td>the financial year starting on 1 July 2014</td>
<td>$1,500</td>
<td>$750</td>
</tr>
<tr>
<td>3</td>
<td>the financial year starting on 1 July 2015</td>
<td>$1,750</td>
<td>$875</td>
</tr>
<tr>
<td>4</td>
<td>the financial year starting on 1 July 2016</td>
<td>$2,000</td>
<td>$1,000</td>
</tr>
</tbody>
</table>
The nomination fee for an indexation year is the amount (rounded down to the nearest dollar) worked out using the following formula:

\[
\text{Indexation factor for indexation year} \times \text{Nomination fee for previous financial year}
\]

where:

- **indexation factor** means the indexation factor for the indexation year under subsection (5).
- **nomination fee for previous financial year** means:
  - (a) for a person nominated as a Senator—the nomination fee for the previous financial year for a person nominated as a Senator; and
  - (b) for a person nominated as a member of the House of Representatives—the nomination fee for the previous financial year for a person nominated as a member of the House of Representatives.

(5) The **indexation factor** for an indexation year is the number worked out using the following formula:

\[
\text{Sum of index numbers for the quarters in the previous financial year} \times \text{Nomination fee for previous financial year}
\]

Sum of index numbers for the quarters in the year before the previous financial year where:

- **index number**, for a quarter, means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician in respect of the quarter.

(6) The indexation factor is to be calculated to 3 decimal places, but increased by .001 if the fourth decimal place is more than 4.

(7) Calculations under subsection (5):
  - (a) are to be made using only the index numbers published in terms of the most recently published reference base for the Consumer Price Index; and
  - (b) are to be made disregarding index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the reference base).

(8) In this section:

- **indexation year** means the financial year starting on 1 July 2017, and each subsequent financial year.

Listening to the debate over the last half an hour or so, I do not doubt that the major parties do not think that there is any problem in seeking to double the fees for nomination for both the House of Representatives and the Senate when they share in $51-odd million of electoral funding between them.

Sitting here today and listening to the debate, I know that the House is full of a lot of economic rationalists, but now we have democratic rationalists. Who are you to exclude people from the political process? What is your empathy for how hard it is for small and minor parties and independents to get the funding needed to run a campaign? In my case in Victoria, my whole campaign was run on $20,000-odd.
The fact is that we have a sad day here today, where an amendment to stagger the nomination fees to have incremental increases over four years, instead of a big hit, for the minor and smaller parties and for the independents will probably be defeated in the chamber. As I said earlier, I am under no doubt now as to why the duopoly that we face in the retail sector is now on the verge of being cemented in the political process.

**Senator Ryan** (Victoria) (13:18): I would like to address the issues raised by Senator Madigan; both the matters raised in the second reading debate with respect to these amendments and the matters he has just raised. I agree with him, initially. While this is not my portfolio, I do represent it for the coalition in the Senate, and I agree with him wholeheartedly that we should not be calling players in the political process, or trying to remove their ability to participate by referring to them as, 'nutters'—that was the word that I think Senator Madigan used—or 'fringe players'. That is not appropriate and it is for the people to decide. I do not believe it, and I sincerely believe that people on this side of the chamber do not believe that either. My record on belief in free speech, absent legislative controls—some of which exist in this country today—I think is testament to that particular view.

The coalition does not believe that these increases actually impose an undue burden. We do impose a burden on those who participate in the political process by being candidates in anything more than voting. We actually do impose a burden on citizens by virtue of compelling them to vote and compelling them to enrol—these days they do not get a choice in the latter.

We do impose a burden on those who participate in the political process by virtue of the registration system and the compliance regime we have for candidates. I would contend that, to many smaller groups in the community, the compliance regime is actually a much greater burden than the nomination fee. That is my experience, having worked in this particular area and having spoken to many community groups for a long time. It is something about which I have gone on record before at JSCEM hearings and estimates hearings when we have had these discussions with the AEC and indeed in this chamber.

So whether or not we impose a burden for participation I do not think is the question. We do that. We talk about registering political parties and we have a requirement for a number of nominators to nominate someone if they are an Independent. There is the requirement to disclose political funding. All of those apply to candidates and to political parties. So the question before us with this legislation and what was before the joint standing committee was: what is the degree of burden that it is legitimate to impose?

I understand the frustration of Senator Madigan; I do actually have sympathy for the position of small parties. I note in this case that there are issues around the impact on the longstanding and legitimate smaller parties in this country. The Democratic Labor Party has been around in this country for coming up on 60 years. It has had members in this chamber for many decades. In fact, Senator Madigan's election at the last federal poll was testament to the longevity of that political organisation. I understand what Senator Madigan has just said—that there will be an impact upon him and his party. But we also have to be aware that there are other small groups who do not have that longstanding commitment or those bona fides with respect to the Australian political process. We do need to guard against groups that nominate purely in order to harvest preferences.
If I could refer to an example where I think this is causing a problem with legitimacy in the political process, it is in Victorian local government elections where, due to the lack of third party scrutiny and the sheer number of candidates and the ease of nomination, most people have absolutely no idea who they are voting for. You get a little booklet from the VEC. There is not the same amount of information provided by the media, nor is there probably the same degree of community interest, I hasten to add, as there might be for federal politics. But it is also clear from anecdote after anecdote that there are examples in local government elections in Victoria of people running as what might be called preference vehicles. The little booklet goes out and they will nominate a how-to-vote card and recommend people vote a certain way and, due to the electoral systems often used, those preferences can be critical.

We have to guard, in my view, against this level of disengagement resulting in a similar event occurring at the federal level. We did make a change a while ago to the Electoral Act that prevented political parties nominating more than one candidate because of, in my view, a loophole—some may view it as an historic position—in the Electoral Act that allowed political parties to nominate more than one candidate at a particular election. In one famous example we had well over half-a-dozen examples—I think it could have been in double figures—of one particular party using that legal right and privilege to nominate more than one candidate at a by-election in the last parliament. I do not think, given the general, fair and reasonable community understanding of our political process, that that was a reasonable thing to do. I think the parliament acted reasonably to say, 'Political parties get the privilege of nominating someone, but they nominate a single candidate.' That was, again, an example of a burden that was imposed on political participants, but one which the parliament felt was reasonable.

On this particular example, I have had discussions with Senator Madigan. I think that these particular amendments are a reasonable burden, but I accept that they are a burden. They reflect the fact that we have logistical issues in managing the ballot papers for, particularly, the Senate in our larger states. It does not particularly apply to members of the House of Representatives.

I would also refer to the example that, when that threshold is reached, the money is refunded. That is not to dismiss the fact that I appreciate a cash-flow issue would apply to those who have to pay the deposit. It is true to say that the larger political parties are beneficiaries of substantial amounts of political funding. I do accept that point. The alternative is a situation where a lack of confidence can develop, not through the actions of people in this chamber or parties or Independents represented in this chamber—I hasten to add and say as genuinely as I can—but through a number of groups that I have seen on Senate ballot papers over the last 10 years who have never appeared on another Senate ballot paper. They have been once-off groups.

It is pretty clear that there have been similar figures involved in multiple groups by multiple names where preferences have consistently gone in one direction. I do not think that adds to our political process, I do not think it makes it easier for the voters to understand who they are voting for and I do not think it adds to the legitimacy of the result. With all due respect, Senator Madigan, and I am trying to understand the situation as best I can, the coalition will be supporting the retention of the schedule as outlined in the bill.

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CHAMBER
Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (13:25): Senator Madigan, I know it will not come as any surprise to you that I declare the government is not supporting the amendment proposed by you. I think I have already spoken, when dealing with the Australian Greens' amendments, about the reason for the government supporting the bill. I endorse the remarks just made by Senator Ryan, someone who has obviously contributed very seriously to the JSCEM process, and I know he has had a long and abiding interest in electoral matters and the laws governing Australian elections.

We do not believe that the changes are onerous. We do not believe that they will serve as a draconian disincentive to our citizens participating in elections. We are of a view that they strike the right balance in maintaining the integrity of our system and ensuring that our election system remains the strongest in the world.

Senator MADIGAN (Victoria) (13:26): I will address some of Senator Ryan's comments on preference harvesting and speak about local government in Victoria, where both major parties have failed in some elections to run candidates. I would suggest that if you are worried about the size of the ballot paper you stop putting up dummy candidates as Independents. This is a commonly known thing that happens on both sides. Both major parties do this. Stop slurring the minor, smaller parties that do not participate in this. You may say that you are not doing that but, in effect, that is what you are doing. We have, as I said, the new term 'democracy rationalists'. The fact is that we have democracy rationalists in this place now.

Senator RYAN (Victoria) (13:27): It is fair to say that I have been called an economic rationalist quite often, Senator Madigan, including by some people on my own side, but I am not sure entirely what you mean. With respect to local government, I agree entirely with your point. I need to add that in Victoria the Liberal Party has never run candidates, nor has the party organisation had a role in local government elections. I have to put that on the record. Liberals have undoubtedly run in local government elections, but the Liberal Party organisation has consistently chosen not to, despite the fact that some have said we are. Liberals run. Of that, I have no doubt. We have the Lord Mayor of Melbourne, who is a very open and prominent Liberal, and we have those Liberals all round the state, but the organisation has not. So I do think it is fair to highlight that.

I again hasten to add, Senator Madigan, that this is a burden. I accept that, and I was not trying to slur minor political parties. You say that this is the consequence of what I am saying—I am trying to choose my words very carefully—but I also suggest that it would be unfair to say that people have not tried to misuse various political processes over time to preference harvest. I mentioned local government merely because I think that is where we have an example of preference harvesting or preference strategies being used which can confuse the voter because of various other factors. The Liberal Party as an organisation—I say this clearly—does not have a role in local government elections, and in the foreseeable future, I understand, does not intend to have a role, while individual members of the party do.

Senator RHIANNON (New South Wales) (13:29): The Greens do support these amendments. It was interesting to hear some of the comments by senators from Labor and the coalition parties on why they will not be supporting them. I think it is worth us remembering that these amendments are actually very minimalist.
I acknowledge that the Greens amendments that we saw, which were very important, were voted down. That would certainly have been our preferred position in not raising the bar. But what we have here with the amendment before us is not stopping the rise; it is just saying, 'Don't bring it in immediately. Be reasonable.' It is allowing parties, candidates and Independents to be able to get things organised so the burden will not be so onerous, but again we are seeing the Labor and coalition parties collaborating to make it more difficult.

You have heard from a few senators spelling out the damage this can do to the democratic process. It was interesting when Senator Feeney came in on the debate. What did we hear him say? He said he endorses the remarks by Senator Ryan. It is very troubling when you see the two largest party groups come together and collaborate in this way. Senators in this House are creatures of the electoral process. We know that, come election time, there are so many issues people feel passionate about. There will be new parties thrown up, but now it is harder. We heard Senator Feeney also say that he does not believe it will be onerous or a disincentive. Certainly senators from the coalition use similar arguments—they are saying that it strikes a fair balance.

Maybe there will be a similar number of candidates running, but the people who will particularly lose out are those who do not have much income, people who are already disadvantaged. One group I have seen are becoming very active at the moment. My colleague Senator Rachel Siewert is doing a great deal of work with single parents, single mothers, who are being extremely disadvantaged because the government is taking money off them. Some of them might choose to run in the election. This will make them think twice about it. But I imagine that some of them, because they are so disturbed by what is happening to them, will want to engage in the political process, and here we have the bar raised so high. To say it is striking the right balance is just so out of tune with reality.

Senator Madigan made the point about not abusing the people who choose to run in the electoral process. Some of them may not come back at another time, but many of them do. They plod away, working out how they can gradually get support. It is worth remembering that probably more than half of the federal election candidates will not get their nomination fee refunded. So on so many levels there is a financial burden, but we are adding to it at an excessive level and it will be very damaging. I thought that Senator Ryan's comments about local government elections and that his party does not run candidates was splitting hairs. We see this in New South Wales: for years and years, over many election campaigns, the coalition have said they do not run in local government elections, but there they all are, active members within their own party, carrying out coalition party policies when they get into local government. When they run for elections they do not inform voters of the party they are a member of and what they actually stand for. Again, there are concerning levels of misinformation, but the Greens are pleased to vote for this amendment. It is important to remind the chamber that this is a very minimalist amendment. How could you possibly vote against something that only gives some time before the full amount kicks in?

**Senator XENOPHON (South Australia)** (13:33): I indicate that I support Senator Madigan's amendment. It is a compromise position and I think it is very fair. There was the example given by Senator Rhiannon about a group of single parents, single mothers, who want to run at the next election. I acknowledge the work that
Senator Siewert has done with groups that are concerned about those draconian changes to their benefits, which I also opposed. Why shouldn't they be allowed to run? Why shouldn't they be allowed to at least focus the minds of the major parties in particular? If they do get a groundswell of community support through running a virtually no-budget campaign—through Facebook, through social media, which you can do nowadays—why should they have the disincentive of having to stump up at least $4,000? It would be prohibitive for a group such as that. That is a very good case study that Senator Rhiannon has put up.

I am not picking on Clive Palmer. I am just using him as an example of a person who is interested in the political process, as he is entitled to be, who does have a bit of spare cash around the place. If he stumped up $100,000 he could have 25 separate groups, with two candidates each, running for the Senate. The logistics of that would make the Australian Electoral Commission shudder because it would be a tablecloth ballot paper. I do not think there would be any printer in the country that would be able to print it in one piece. You would have to glue it together or stick it together in some way.

This will act as a disincentive to genuine community groups. It will not prevent abuse from those that have the money to abuse the system in terms of the tablecloth ballot paper scenario. That is why we need to come back to the necessary reform, which would be that, if there is a genuine groundswell in a particular state or community, then having a slightly higher threshold for candidates would be a more amenable way of dealing with the issue to make sure people who are nominating have other people in the community backing them. That could include a requirement to have several hundred people nominate them rather than what is being proposed. I think that would get rid of the abuse. What is being proposed now would impact on groups such as single parents who might want to make a stand at the next election against the draconian changes to their benefits.

The TEMPORARY CHAIRMAN: We are dealing with item 1 on sheet 7281. The question is that the amendment be agreed to.

The committee divided. [13:41]

The Temporary Chairman—Senator Bishop

AYES

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

Hanson-Young, SC
Madigan, JJ
Rhiannon, L
Waters, LJ
Wright, PL

NOES

Back, CJ
Bilyk, CL
Bishop, TM
Brown, CL (teller)
Bushby, DC
Colbeck, R
Edwards, S
Evans, C
Farrell, D
Fawcett, DJ
Feeney, D
Furner, ML
Gallacher, AM
Lundy, KA
Marshall, GM
McEwen, A
McKenzie, B
McLucas, J
Moore, CM
Pratt, LC
Ruston, A
Ryan, SM
Singh, LM
Smith, D
Stephens, U
Sterle, G
Thorp, LE
Urquhart, AE

Question negatived.

Senator XENOPHON (South Australia) (13:43): I move amendment (1) on sheet 7344:

(1) Page 29 (after line 25), at the end of the Bill, add:
Schedule 4—Disclosure of certain gifts

Commonwealth Electoral Act 1918

1 After section 304

Insert:

304A Disclosure of certain gifts

Person must disclose certain gifts

(1) A person must give a return to the Electoral Commission, in the approved form, if:

(a) the person is:
   (i) a candidate; or
   (ii) a member of the House of Representatives; or
   (iii) a member of the Senate; and

(b) the person receives one or more gifts from a donor during a financial year; and

(c) the total amount or value of the gift was, or the total amount or value of the gifts were:
   (i) equal to or more than the amount prescribed for the purposes of this paragraph; or
   (ii) if no amount is prescribed—more than $10,000.

Registered political party must disclose certain gifts

(2) A registered political party or a State branch of a registered political party must give a return to the Electoral Commission, in the approved form, if:

(a) the party or branch receives one or more gifts from a donor during a financial year; and

(b) the total amount or value of the gift was, or the total amount or value of the gifts were:
   (i) equal to or more than the amount prescribed for the purposes of this paragraph; or
   (ii) if no amount is prescribed—more than $10,000.

Return to be provided within 24 hours or 30 days

(3) The return must be given to the Electoral Commission:

(a) for a gift or gifts received during an election period—within 24 hours of the time that the person receives the gift or gifts; or

(b) for a gift or gifts received at any other time—within 30 days of the time that the person receives the gift or gifts.

Contents of return

(4) The following information must be given to the Electoral Commission, in the approved form:

(a) the name of the person, corporation or other entity, that provided the gift or gifts;

(b) the name of the candidate, or the name of the member of the House of Representatives or Senate, that received the gift or gifts, as the case may be;

(c) if the candidate, or the member of the House of Representatives or Senate, is a member of a registered political party—the name of that party;

(d) the date that the gift was received, or the date (or dates) that the gifts were received;

(e) any such other information prescribed by regulations for the purposes of this paragraph.

Electoral Commission must publish information

(5) The Electoral Commission must publish a return provided under subsections (1) or (2) on the Electoral Commission's website:

(a) for a gift or gifts received during an election period—within 24 hours of the time that the return is given to the Electoral Commission; or

(b) for a gift or gifts received at any other time—within 1 week of the time that the return is given to the Electoral Commission.

304B Offence of failing to disclose certain gifts

(1) It is an offence if:

(a) a person, a registered political party or a State branch of a registered political party is required to give a return to the Electoral Commission under section 304A; and

(b) the person, registered political party or State branch of a registered political party fails to give the return to the Electoral Commission within the period specified in subsection 304A(3).

(2) Where a person, registered political party or a State branch of a registered political party
commits an offence under this section, an amount equal to the amount or value of the gift or gifts is payable to the Commonwealth and may be recovered by the Commonwealth as a debt due to the Commonwealth by action in a court of competent jurisdiction.

2 Subsection 307(1)
Omit "Where no details", substitute "Subject to subsection (3), where no details".

3 Subsection 307(2)
Omit "Where no details", substitute "Subject to subsection (3), where no details".

4 At the end of Division 4 of Part XX
Add:
(3) Subsections (1) and (2) do not apply to a return that would otherwise be required to be given to the Electoral Commission under subsections 304A(1) or (2).

The aim of these amendments is to improve transparency in relation to political donations. Voters deserve to know where political parties, candidates and individuals get their financing from in a timely manner. Australia's disclosure regime lags far behind other countries, and it is vitally important we catch up. These amendments expand donation disclosure requirements to cover individual MPs, senators and candidates, including independent senators, candidates and parties. If any of these individuals receive a gift or gifts totalling over the threshold amount, they must provide a return to the AEC within 24 hours during an election period or 30 days outside an election period. The same requirements apply to political parties, including state branches.

This amendment sets out the form which returns must take, including the requirement for details of the giver and recipients, the party the recipient belongs to if relevant, the date the gift was received and any other details set out in regulations. Once the return is received, the AEC must publish it on their website within 24 hours during an election period or within a week outside an election period. The amendment also creates an offence in line with existing offences in the act where the Commonwealth may recover the amount of the donation, or equal to the donation, if the requirements for disclosure are not met. In other words, it is the same framework or penalty and it is something that will sharpen the mind of anyone who does not comply by having to return the donation.

This amendment is an important step in improving Australia's disclosure requirements. We know the current system is well below par. I am concerned that any planned changes will not be made in time to be effective before the next election. Australian voters deserve to know where the money comes from in a timely manner. My issue is that at the moment a donation can be made on 1 July 2011 and we do not hear about it until 1 February 2013. That 19-month period of time is simply unacceptable for there to be transparency and disclosure.

In my second reading speech I mentioned William Hanna. In fact, I was wrong. I made a reference to a quote from Mark Hanna who ran the successful US presidential campaign for William McKinley in 1896. He said: 'There are two things that are important in politics. The first is money and I can't remember the second.' Well, this is the sort of thing that we need to avoid. I do not want us to have the best democracy that money can buy.

It is very important to ensure greater transparency in disclosure and for the capacity for this to be provided online, with adequate resources, out there for everyone in a timely manner for the electorate. I wish I had known about some of the donations in the course of the poker machine debate because it would have been very useful for the public to know that not just at election
time but in the course of important parliamentary debate. I urge my colleagues to support this amendment in terms of a more timely regime of disclosure in relation to political donations.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (13:47): Thank you, Senator Xenophon, for that contribution. I am tempted to say there is good news and there is bad news. The good news is I wholeheartedly agree with the sentiments in your remarks and the bad news is that I am not supporting the amendment you have moved today. The reason for the bad news is a very cogent one, you will be pleased to know. That is that there is a government bill before this Senate that proposes to meet several of the concerns you highlighted here this afternoon.

The Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2010 has been before the Senate since 17 November 2010. The government remains committed to that bill, which contains a number of fundamental changes to the funding and disclosure requirements contained in the Electoral Act. In particular, the amendments to the Electoral Act contained in that bill will reduce the disclosure threshold from more than $10,000. As you know, it is indexed to the consumer price index annually. I understand it will be $12,100 in the next financial year. Our legislation would change that to $1,000 non-indexed per annum. The bill would require people who make gifts at or above the threshold to candidates and members of groups during the election disclosure period to furnish a return within eight weeks after polling day. Agents of candidates and groups have a similar time frame to furnish a return in relation to gifts received during the disclosure period.

The bill would require people who make gifts, agents of registered political parties, the financial controller of an associated entity or people who fall within the relevant provisions who have incurred political expenditure to furnish a return within eight weeks after 31 December and 30 June each year. That would have the practical effect of changing the reporting period from 12 months to every six months and would do quite a deal to change the time frame that Senator Xenophon spoke to just a moment ago. It would prevent donation splitting by ensuring that, for the purposes of the $1,000 disclosure threshold, related political parties were treated as the one entity. It would make unlawful the receipt of a gift of foreign property by political parties, candidates and members of a Senate group. It would also be unlawful in some situations for associated entities and people incurring political expenditure to receive a gift of foreign property. It would extend the ban on anonymous gifts to encompass all anonymous gifts except where the gift is $50 or less and received at a general public activity or a private event as defined in the bill. It would tie public election funding to reported and verified electoral expenditure. It would provide for the recovery of anonymous gifts of foreign property that are not returned and undisclosed gifts. It would introduce new offences and penalties related to the new measures and increase the penalties for existing offence provisions.

Since the introduction of this 2010 bill, the government has also received two reports from the Joint Standing Committee on Electoral Matters which also recommend significant change to the funding and disclosure requirements of the Electoral Act. The first of these reports of November 2011 entitled 'Report on the funding of political parties in election campaigns' contains 30 recommendations for changes in this
particular area. The second JSCEM report of September 2012 entitled 'Review of the AEC analysis of the Fair Work Australia report on the HSU' contains 13 recommendations in response to the 17 recommendations that were made by the AEC to the Special Minister of State in May 2012.

As senators will appreciate, changes to the funding and disclosure provisions of the Electoral Act, while controversial, have not dissuaded this government from actively seeking to negotiate a response to those JSCEM reports that will guarantee lasting reforms in this area and which can be implemented in a practicable way to the benefit of all stakeholders. As the government's negotiations and consideration of these matters is well advanced, with plans already announced for the legislation, it would be premature for us to agree to the amendment proposed by Senator Xenophon without addressing the whole of the political funding and disclosure scheme. As I said at the outset, Senator Xenophon, the good news is the government wholeheartedly agrees with the aims, objectives and the values that drive them. I guess in due course I will commend the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2010 to you and to the Senate.

Senator RYAN (Victoria) (13:52): The coalition will not be supporting the amendment moved by Senator Xenophon. There are a number of profound differences between the coalition and the government, which I am sure will please some people down the end of the chamber. We have a very transparent electoral system. Is it perfect? No, it is not perfect—no system is—but let's not get bogged down in the idea that there is a profound secrecy about the role and import of donations in Australian politics.

I want to address some of the underlying points raised in the arguments of Senator Xenophon and Senator Feehey. There are problems with ever-increasing regulation. If you speak to many community groups about their involvement in the political process, they say that the compliance regime of a much greater regulatory environment around every cent having to be watched or having to record even relatively insignificant amounts of money has a devastating effect on our civil society. There is an issue also around the different structures of political parties. The Liberal Party of Australia is a much more federal structure than the Labor Party. To start to apply these regulatory models that assume a national office has the power, as it does under the Labor Party, is flawed. Our Liberal Party—and we have the LNP division as one example—has been structured as a federal organisation with extremely limited federal powers for a very good reason. That has historically been the case since it was founded by Robert Menzies.

Senator Xenophon also talked about the Democratic Audit of Australia. I think he said that it was universally held in high regard. Senator Xenophon, I do not mean to put words in your mouth, but I think I have captured the sentiment, and I note that you have nodded. The coalition has real concerns with some members of the Democratic Audit of Australia, but I do not mean that in a personal sense. One of the members has appeared before the JSCEM and has written discussion papers which argue that union money should be treated differently to corporate money and we should have bans on corporate money. That person was Associate Professor Joo-Cheong Tham from the University of Melbourne, who I know from my university days. The idea that we would treat corporate money differently to union money, in my view, betrays an agenda.
It is an agenda that not only is in favour of regulation but is about empowering one side of politics.

I will read from a paper written by that person. I am not assigning anything malevolent, but the impact of this change would be to dramatically empower one side of Australian politics at the expense of another. It is a Democratic Audit of Australia discussion paper, Senator Xenophon, so let's not put it up in lights and say that it is something that everyone can sign up to and that all its recommendations would be better for Australian democracy. The paper talks about how business is different from unions. It talks about how union affiliation fees are in fact membership fees even though the individual members of a union have no say over whether their money goes to a political party. It advantages corporate membership over individual membership because it also distinguishes that, if businesses were members of a political party, it would be different again. It even uses the quote out of the Labor Party's great socialist objective, the Labor Party's rules, where it talks about businesses being in control of the means of production, distribution and exchange. So, let's not pretend that the Democratic Audit of Australia is some profoundly independent body that is trying to balance the sides of Australian democracy, because I do not think it is. I think its approach, as betrayed by that particular paper, would profoundly unbalance Australian politics.

Let's also go to some of the unbalancing that already exists. In the current environment, if a person wishes to give money to the Labor Party and they are a member of the union, they get a tax advantage, which a person who wants to give money to the Liberal Party or the Greens cannot. If I pay my affiliation fee or membership fee to the union and part of that money including a special levy is then passed on to the Labor Party, or to the ACTU for a political campaign that we know is entirely in line with the objectives of the ALP, then I get access to a second tax deduction. The tax treatment of monies that flow around political parties in this country is profoundly different dependent upon the vehicle and dependent upon the destination. If I wish to give money, or an individual wishes to give money, to the Greens, to Senator Xenophon and his campaign, to Senator Madigan or to someone on this side of the house then what we have is a situation where they will only get access to the single tax-free threshold that a political donation is eligible for. But that is not so if you give money to the Labor Party, because you can go via the union through your membership fee. You can even go through the ACTU. That different tax treatment is a profound imbalance in our political system that exists today.

In turning to the AEC's proposals, they have proposed what we might vaguely call 'the Canadian model'. The Canadian model is a highly regulated, highly restrictive and highly prescriptive model into which the role of civil society in our political process is drawn. It can draw in people from think tanks that publish books. If they are deemed to be part of the political debate, then they are suddenly caught under the regulatory regime. One important aspect, however, of the Canadian approach is that all monies are treated equally in terms of tax-exempt status.

The coalition disagrees with Senator Feeney on many of the points he has made. Senator Xenophon, I accept your motivation, but let's look at some of the real, profound imbalances which already exist and have existed for a long time. The first is the tax treatment of money that flows to political parties which benefits one side greatly at the expense of another.
Senator XENOPHON (South Australia) (13:58): I agree with Senator Ryan in what he said that the same rules should apply to both union and corporate donations. He talks about the tax treatment and I think it is fair to say that there ought to be a consistency in the tax treatment as well. What Senator Ryan has failed to do is acknowledge that there are some real issues in the transparency of political donations in a way that is not about red tape. It is about ensuring that we do not wait six or 18 months for donations to be disclosed. The Democratic Audit of Australia, I think, do good work. It does not mean that I agree with all that they do. I think they do good work in strengthening our democratic processes at least in terms of transparency and accountability, and that is something that needs to be done.

With those words I think that this amendment about having real-time disclosure during an election campaign, or within 30 days outside an election campaign, is far preferable to the very comprehensive response given by Senator Feeney on behalf of the government. There will be improvements, but I do not think those improvements go anywhere near far enough. On that basis I maintain that this amendment is the preferred course and now is an appropriate time for it to be dealt with.

Senator RHIANNON (New South Wales) (13:59): The Greens do support this amendment. It was welcoming to hear Senator Feeney—

Progress reported.

QUESTIONS WITHOUT NOTICE

Minerals Resource Rent Tax

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:00): My question is to the Minister representing the Prime Minister, Senator Conroy. I refer the minister to comments made by the Treasurer on 19 February, when he described the fiscal mess of Labor's mining tax as being 'politically inconvenient'. Can the minister inform the Senate by what measure the government can describe this flawed mining tax as a success? How much revenue has it raised? How many jobs has it created? Or how politically convenient it is?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:00): I thank the senator for his question. The MRRT is an important, long-term reform for our children and our grandchildren. Let's be very clear, Mr President, those opposite want the level of collection of the tax to be zero. They are pledged to repealing it. Clearly, despite claims from those opposite, the MRRT has been raising revenue, although this has been impacted by the big drop in prices in the third quarter of last year. While recovering slightly these depressed commodity prices have continued to impact through to the end of the second quarter. As commodity prices have started to pick up, we have seen an increase in the amount of revenue being raised, but, of course, it takes months for a change in the spot price to be fully reflected in MRRT revenues, as resource trades can be conducted on monthly or even quarterly averages.

As a matter of course, Treasury and the ATO always look at the operation of taxes and, in particular, new ones. The MRRT will be no different. Remember that the MRRT is a profits based tax that raises more revenue when profits are higher and less when they are lower, but they are not designed to raise zero revenue like the position of those opposite—those opposite who do not want to share the wealth of this country among the
many; they just want to look after a small number of their corporate mates. So, this is very similar to the PRRT, a profit based tax that has been around for over 25 years. (Time expired)

Honourable senators interjecting—

The PRESIDENT: Order on both sides!

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:03): I have a supplementary question, Mr President. Is the minister aware that of the $126 million to be collected from the tax this year, $44 million will be offset by foregone company tax collections and approximately $50 million will be offset by administrative costs? How does the minister justify that his government's mining tax will this year collect less revenue than the severance payout by BHP Billiton to Mr Marius Kloppers, one of the people with whom Ms Gillard and Mr Swan so cleverly designed the tax?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:05): If we followed the opposition's logic, we would stop collecting around $2 billion in PRRT each year, because it is volatile and difficult to forecast. Those opposite want to come in here and cry crocodile tears for a revenue stream that they have opposed every single step of the way. You have spent most of the last six months claiming there was zero revenue and then you come in here and start crying crocodile tears. From day one you saw a resource rent tax as an opportunity to go down on bended knees to vested your own vested interests to protect those. And you want to give your billionaire mates a tax cut. That is what you are proposing—increased taxation for people on under $37,000. (Time expired)

The PRESIDENT: Just wait a minute, Senator Brandis. Order on both sides!

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:05): Mr President, I ask a further supplementary question. Given that the government's dud mining tax was personally designed and negotiated by the Prime Minister and the Treasurer, after they knifed the member for Griffith in the back, will the minister now concede that the responsibility for the fiscal fiasco of the mining tax lies solely with them and that this sees a new benchmark in failed public policy?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:05): We on this side stand for households, small businesses, higher super and better infrastructure for all Australians. Let's be clear, Mr President, those opposite are on the side of the billionaire mining magnates and nothing will change in this debate. The glee that we are seeing from those opposite is desperate policy from those who are ashamed that they voted against the tax breaks for 2.7 million small businesses. They voted against boosting the retirement savings of 8.4 million working Australians. They fought to deprive Australia of much needed infrastructure in order to do the bidding of Gina Rinehart and Clive Palmer. Those opposite should give this argument up, these crocodile tears—(Time expired)

Media

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:06): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, Minister, in the context of media reform and the concentration of media
ownership, are you aware that Channel 10 has contracted out the television program Meet the Press to News Limited so that the show is produced out of News's Fox Studios and it is News which hires the staff and invites the guests? If so, is the minister concerned about News Limited exercising its influence over a TV station through the back door?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:07): I thank Senator Milne for her question. I am aware of the recent changes that have been announced by Channel 10. I believe you have referred the matter—I think, from your press conference; I saw reports—to the ACMA to look at.

The reason that the outsourcing is possible is that those opposite, when they last had majority control of the Senate, changed the rules so that a TV station could outsource its news and current affairs. Those opposite introduced an amendment which they had the numbers to pass through. We are in the process of considering the reports from Mr Finkelstein and the convergence review. We are in a situation where the government will finalise its consideration in the not too distant future of a whole range of issues across this portfolio area. I am not going to pre-empt the cabinet by announcing any outcomes of those, but we are considering all of these matters. If the senator is aware of any breaches of existing rules or laws, they should, as they have done, refer them. But at this stage we will not be pre-empting on the floor of the Senate cabinet considerations.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:08): Mr President, I ask a supplementary question. Does the minister share ACMA’s view that Mr Lachlan Murdoch is in no position to exert influence over the business dealings of Rupert Murdoch, even though Lachlan Murdoch is a director of News Corp?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:09): As ACMA have opined, they do not believe that Mr Lachlan Murdoch is in breach of any of the existing laws. If the senator believes otherwise, she should take this matter up very seriously, but I am not aware of any suggestion that that is the case. As to whether or not he is influencing Channel 10, clearly, as chair, he has a role to play. But, in terms of the combined interests, if the senator believes that there is any matter that needs to be looked at, she should refer it to the proper authorities.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:10): On a further supplementary question: thank you, Minister, but given that you have just pointed out yourself that this is a loophole that was created by the coalition, is the government going to move in this debate on media reform, unequivocally, to close this loophole and make sure that we cannot have a situation where a person—

Honourable senators interjecting—

The PRESIDENT: Wait a minute, Senator Milne. Order! I am entitled to hear the question. I cannot with those on each side of me interfering with the question. Senator Milne, continue.

Senator MILNE: Will the minister give the Senate an unequivocal answer in terms of the government moving to deal with this loophole in the cross-media ownership laws such that we prevent people exercising more
influence in the two-out-of-three rule, let alone a two-out-of-four rule?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:11): The convergence review recommended revised media ownership arrangements at the local and national level to ensure that they remain targeted and effective in a converged media environment; a revised minimum number of owners rule to capture all media operators that have an influence in a local market; and a national public interest test that would apply to transactions involving large media enterprises. The committee also recommended that these measures include some major media operators like national newspapers and subscription television providers.

The government is giving careful consideration to the review’s recommendations and, as I have previously stated, the government will bring forward a package of further measures to deal with, amongst other things, issues associated with a public interest test. But I am not going to pre-empt the consideration of cabinet and I am not going to pre-empt the consideration of my caucus colleagues by opining on the floor of the Senate. (Time expired)

Manufacturing

Senator BILYK (Tasmania) (14:12): My question is to the Minister representing the Minister for Industry and Innovation, Senator Lundy. Can the minister advise the Senate what the government is doing to support manufacturing jobs in Australia?

Opposition senators interjecting—

The PRESIDENT: Order! When there is silence I will call the minister. The time for debating the issue is after question time; I remind honourable senators of that.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:12): The government believe in an Australia that makes things and we believe that Australian manufacturing workers are entitled to jobs that are both highly paid and highly skilled. That is why last week the Prime Minister announced that the government is investing $1 billion in a plan to support Australian businesses and to grow jobs. Our plan sets out a road map for creating these jobs, lifting productivity and boosting innovation. Whilst the opposition does not like to hear this—

Opposition senators interjecting—

The PRESIDENT: Senator Lundy, resume your seat. When there is silence we will proceed. The minister is entitled to be heard in silence. Minister, continue.

Senator LUNDY: It is a positive plan that backs Australian firms to win more work on infrastructure and resource projects and it is a positive plan that supports innovation by establishing up to 10 precincts, bringing industry leaders, firms and research organisations together. It is a positive plan that will help small to medium sized businesses grow and create new opportunities and new local jobs. The first two precincts, in Melbourne and Adelaide, have already been announced and soon the government will introduce its Australian Jobs Bill into the parliament.

Compared to the negativity of those opposite, the difference is quite stark. All the coalition has delivered is relentless negativity, which is now being supported, unfortunately, by the Greens, and the Liberal and National parties are threatening the government’s jobs plans for their own cynical political purposes.

We believe, of course, that Australian workers deserve more, and that is why this
Labor government is delivering for Australian workers: because Labor is the only party with a sincere commitment to jobs. It is why our $1 billion plan is focused on not only—

Honourable senators interjecting—

The PRESIDENT: Senator Lundy, just resume your seat. I remind senators that interjections are disorderly. Senator Lundy is entitled to be heard in silence.

Senator LUNDY: Thank you, Mr President. I do understand those opposite have nothing positive to say about the creation of jobs or supporting this very important $1 billion plan. The creation of the precincts alone would bring together the best of Australia in terms of research, business—

Honourable senators interjecting—

The PRESIDENT: Senator Lundy, just resume your seat. I remind honourable senators on both sides. Senator Lundy, continue.

Senator LUNDY: Thank you, Mr President. In the 10 seconds I have remaining, I would like to reiterate the point that we have nothing but relentless negativity opposite. Labor has a vision for Australian jobs and industry, and it ought to give support— (Time expired)

Senator BILYK (Tasmania) (14:15): Mr President, I ask a supplementary question. As difficult as it was to hear over the rabble from the other side—

The PRESIDENT: No, that is not called for.

Senator BILYK: I would like to ask the minister: what emerging threats are there to the manufacturing industry and the jobs of Australian workers?

Honourable senators interjecting—

The PRESIDENT: I need silence on both sides. Questions should not be prefaced with a comment on either side.

Senator BILYK: I would like to ask the minister: what emerging threats are there to the manufacturing industry and the jobs of Australian workers?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:16): We know that with the high Australian dollar manufacturing in Australia has been under pressure, but last week another threat emerged to Australian workers: the rank opportunism and cynical politicking of the Australian Greens. Last Tuesday Senator Milne accused Labor of not being tough enough on big miners, and only two days later Senator Milne said the Greens would vote against—

Honourable senators interjecting—

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

Senator LUNDY: Thank you. As I was saying, only two days later Senator Milne said the Greens would vote against reforms to a tax incentive that will largely affect big mining and resources companies. And why? Because they want to increase a tax on big mining and resource companies. So the Greens profess to oppose the mining industry, yet they say they will vote for measures such as a tax concession to research coal seam gas extraction and improve drilling techniques. Adding to their appalling approach to our plan, we have an opposition consistent in its relentless negativity to workers' jobs in this country. To Labor, nothing is more important than workers' jobs. (Time expired)

Honourable senators interjecting—
The PRESIDENT: When there is silence we will proceed. I remind honourable senators that the interjections are taking valuable question time.

Senator BILYK (Tasmania) (14:18): Mr President, I ask a further supplementary question. I would also like to ask the minister: how would the government's plan for Australian jobs help small business to become more competitive in a global economy?

Honourable senators interjecting—

The PRESIDENT: When there is silence we will proceed.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:18): Our plan will create opportunities for Australian small businesses to innovate, to grow and to create those new jobs. When combined with private sector contributions, a new $350 million investment in venture capital will deliver up to $700 million for entrepreneurial SMEs. The government will also invest $27.7 million in the Enterprise Solutions Program to assist SMEs to develop innovative solutions to public sector needs. This is a very important development to those who understand the relationship between small business and government procurement needs in Australia. The successful Enterprise Connect program will be expanded to SMEs in the professional services, ICT, transport and logistics sectors. In all, reforms to the R&D tax incentive will pay for a $1 billion investment in Australian jobs and small businesses, and the fact is that it is the Gillard government that is the only party that puts the interests of ordinary workers and their communities first.

Minerals Resource Rent Tax

Senator SINODINOS (New South Wales) (14:19): My question is to the Minister representing the Prime Minister, Senator Conroy. I refer to a statement by the Secretary of the Treasury, Martin Parkinson, in estimates on 14 February, where he said in relation to revenue from the minerals resource rent tax:

What we have not done is adjust the estimates for things that we cannot see … What we cannot see is the starting cost base that the firms are able to pick, nor can we see the netback arrangements … Why did the government agree to a tax which its own officials now admit contained serious design flaws?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:20): It is unfortunate that the question was based on a false premise and that Senator Sinodinos sought to put words into the Secretary of the Treasury’s mouth and then draw implications from them. It is unfortunate. Clearly the MRRT collections have been lower than Treasury expected. As Mr Swan said last month, there is no doubt that when you look at the data the PRRT and MRRT will both be down substantially. But the MRRT is only six months old, and mineral prices, particularly iron ore, have been volatile over that period. Resource rent taxes are by their nature difficult to forecast, and some volatility in revenue relative to the estimates is to be expected. This is similar to the PRRT, a profits-based tax that has been around for over 25 years and is also a volatile but important source of revenue. The volatility of the PRRT collections exceeds that of any other revenue.

Senator Brandis: Mr President, I rise on a point of order on the question of relevance. The minister was not asked about the PRRT; he was asked about the MRRT. I ask you to direct him to the question.
The PRESIDENT: The minister is answering the question. The minister still has 35 seconds remaining.

Senator CONROY: As I have already stated clearly, the MRRT collections have been lower than Treasury forecasted, but anyone with an ounce of credibility can also see that commodity prices have taken a huge hit and that is flowing through to the MRRT collections. The MRRT, as I have said, is only six months old, and prices have varied and have been incredibly volatile. As I have also said, in answer to the earlier question, it takes months for higher spot prices—(Time expired)

Senator SINODINOS (New South Wales) (14:23): Mr President, I ask a supplementary question. I refer to a statement by Mr Rob Heferen, from Treasury's Revenue Group, in estimates, where he confirmed that there would be only three MRRT tax instalments in 2012-13. We have one remaining MRRT instalment due this financial year. The tax having raised only $126 million so far this year, how does the government expect to raise $2 billion in net terms, after deductions and allowances, from the only remaining instalment in 2012-13?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:23): As I have already stated, it can take months for higher spot prices to be fully reflected in MRRT revenue, as trades can be conducted on monthly or even quarterly averages. Resource rent taxes are, by their nature, volatile and difficult to forecast on the basis of spot prices. As the ATO commissioner has noted, collections rose significantly between the first and second quarters. This is at the same time as we begin to see some recovery in commodity prices. So it is clear, as I have said, that Treasury forecasts were ahead of the actual revenue coming in, but this is due to the volatile nature of resource rent taxes and the difficulties of forecasting. (Time expired)

Senator SINODINOS (New South Wales) (14:24): Mr President, I ask a further supplementary question. Why did the government agree to these features of the MRRT, which the Secretary of the Treasury admits relied on things that neither Treasury nor the government could see in real time, and commit to spend the proceeds of the tax before it actually knew how much revenue the tax would raise? As the Prime Minister said that she had obviously stamped her authority on the negotiations, will the government now take responsibility for the obvious flaws in the tax which she and her Treasurer negotiated?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:25): The MRRT package is fully reflected in the budget bottom line. Resource rent taxes are, by their nature, volatile and difficult to forecast. All profit based taxes have taken a big hit in recent times, but this does not mean we should take the opposition's advice and abandon and repeal this tax. We are going to continue to stand up for households and ordinary Australians against those opposite, who simply get down on bended knee to the vested interests like Ms Rinehart and Mr Forrest. Those opposite want to see that there is zero tax collected from these companies under the MRRT. That is your preferred position. Do not come in here and pretend that you are remotely interested in a fair tax system. Do not come in here with those crocodile tears. (Time expired)
MOTIONS
Minerals Resource Rent Tax

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:26): by leave—I move:

That the Senate declares that it has no confidence in the Government's handling of the mining tax.

Never before in the history of the Commonwealth have the Australian people endured such a dysfunctional and incompetent government. Those of us who recall the debacle known as the Whitlam government are beginning to look on that short-term yet devastating era with a degree of fondness, as an example of sound administration and robust policy development in comparison to the past five years. In fairness, though, we do not know what depths the Whitlam government might have sunk to if given five years.

The Rudd-Gillard governments have presided over the worst governance Australia has had to endure in its 112-year history. They came to office on the back of a promise, backed up by paid commercials, that Mr Rudd was an economic conservative, yet, on gaining government, he immediately took to scribbling that essay in the Monthly condemning sound economic policy, parading his economic illiteracy in grand style.

Mr Rudd and Ms Gillard will be remembered for stunning evidence based public policy initiatives! Who can forget Fuelwatch? Who can forget GROCERYchoice? Or what about the cash splash which paid the dead and those overseas in a vain attempt to stimulate the domestic economy? We then had the Carbon Pollution Reduction Scheme, which Ms Gillard herself wanted Mr Rudd to dump. We then had the temporary deficit, which is now in its fifth year and no end in sight. We then had the border protection disgrace, and so the list goes on—

Honourable senators interjecting—

The PRESIDENT: Order! On both sides, Senator Abetz is entitled to be heard in silence.

Senator ABETZ: And so the list goes on—

The PRESIDENT: Wait a minute, Senator Abetz. I will give you the call when I am ready. Senator Abetz.

Senator ABETZ: And so the list goes on, including the so-called Building the Education Revolution. Remember the laptops, the GP superclinics and the mining tax, the topic of today's motion. It will be recalled that Ms Gillard needed to wrest the prime ministership off Mr Rudd because the government 'had lost its way'. She, of course, was the vice-captain of that government. But itemised examples were given by Ms Gillard of the loss of direction. They were volunteered by her at her first press conference as Prime Minister. What items did she nominate? What items did she volunteer? Border protection—well, that has gone well, hasn't it? The carbon tax—a $4 billion black hole and heading south. And, of course, the mining tax.

I agree with Ms Gillard on this: Mr Rudd's handling of these issues was diabolically inept. He did deserve to be rolled. He did deserve to be ousted. But, if Mr Rudd deserved to be ousted for his gross incompetence, what do we say of Ms Gillard's handling of those issues? Ms Gillard's ineptness, unbelievably—because one would not believe that it is possible—is 10 times, if not more, worse than Mr Rudd's: border protection—worse, the carbon tax—a $4 billion black hole—and now this mining tax. Who else! Who else could dream up a
scheme which shatters Australia's enviable, second-to-none, world reputation on sovereign risk? Who else could have the arrogance to negotiate personally the details of the mining tax without officials present? Who else would do it without the states present? Who else would do it without the territories present? And who else would do it in secret? Who else would do it with only three of the mining companies out of the 3,000 mining companies that exist in Australia? Who else could agree to a scheme which collects virtually no money? Who else could design a mining tax that costs a miner like Atlas Iron $2 million to comply with, only to find out—after submitting their returns—that they will not have to pay the tax? Who else could design such a maze of red tape? Who else could design a mining tax that even the Chief Government Whip acknowledges needs to be changed and that the Leader of the Opposition in Western Australia opposes because he knows the damage it will do to his state's economy? The answer to all these questions is Ms Gillard and the Green-Labor-country Independent alliance's excuse for a government. They are the people who have put such a scheme together.

The next question is: which parties combined to ruthlessly and arrogantly guillotine the mining tax—with all its fatal flaws—through the Senate? Which senators thought they knew it all? Ms Gillard and the Green-Labor-country Independent alliance's excuse for a government. They are the people who have put such a scheme together.

The answer to all these questions is Ms Gillard and the Green-Labor-country Independent alliance's excuse for a government. They are the people who have put such a scheme together. The Green-Labor-country Independent alliance is the government. They are the people who have put such a scheme together.

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The answer to all these questions is Ms Gillard and the Green-Labor-country Independent alliance's excuse for a government. They are the people who have put such a scheme together. The Green-Labor-country Independent alliance is the government. They are the people who have put such a scheme together.
No-one gets lower than Labor when it comes to public policy debacles, and the mining tax is an excellent exemplar. Yesterday's much-heralded reform is now another Labor policy dud.

I say to the Australian Greens: we can have all the faux outrage, we can have all the foot stomping and we can have all the ripping up of agreements at the National Press Club, but today the Greens have an opportunity to tell the Australian people whether they have confidence in the government's handling of the mining tax. The difficulty of course for the Australian Greens is that they helped ram it through. They helped guillotine it through the Senate, ensuring that there was no proper debate and ensuring that all the issues that we as a coalition wanted to ventilate would not be ventilated—despite their promise of a new paradigm. But today the Australian Greens can tell the Australian people whether or not they have confidence in the way that the mining tax was handled.

Let us be very clear, especially in relation to the answer given by the Leader of the Government earlier on in question time. Senator Conroy sought to put all the blame in relation to the debacle that is the mining tax at the feet of variable pricing of commodities. He helped guillotine it through the Senate, ensuring that there was no proper debate and ensuring that all the issues that we as a coalition wanted to ventilate would not be ventilated—despite their promise of a new paradigm. But today the Australian Greens can tell the Australian people whether or not they have confidence in the way that the mining tax was handled.

Senator Conroy sought to put all the blame in relation to the answer given by the Leader of the Government earlier on in question time. Senator Conroy sought to put all the blame in relation to the debacle that is the mining tax at the feet of variable pricing of commodities.

Well, I am sure Senator Conroy was actually present at Senate estimates when the Secretary to the Treasury told the truth about these things and, of course, Senator Wong would have been there as well, one would hope. The Prime Minister has not only reneged on the promise of the carbon tax—not having one—she has also reneged on giving a commitment to providing monthly updates on the mining tax revenue—a rolled gold, solid commitment and, once again, broken. At Senate estimates, just a fortnight ago, the Treasury secretary, Dr Parkinson, admitted that the design of the mining tax is responsible for its failure to generate revenue, not the falling commodity prices and not the higher currency and state royalties blamed by the government. It is for exactly that reason that the Chief Government Whip, Joel Fitzgibbon, the member for Hunter, has indicated to the public that he believes that there is a design flaw in the system. I can understand Senator Wong's embarrassment at this because, as the minister for finance, she should have had control of this issue. She never has had and she never will because she is like all her colleagues around here: economic illiteracy is their strong suit.

But what did Dr Parkinson say? He said Treasury had compiled its budget forecasts in ignorance of the real cost of concessions agreed to by Mr Swan. Now why were they in ignorance of that? Because the deal was done in secret without Treasury officials present. They are the architects of their own debacle. They thought they knew it all. Take the master negotiator, Ms Gillard, who negotiated a deal with Mr Wilkie only to welsh on it, and who did that wonderful negotiation with Mr Slipper, the member for Fisher. What a great thing that was to have him elevated to the Speakership! And now, to complete the trifecta, we have the master negotiator exposed in relation to the mining tax. We have design flaws courtesy of Ms Gillard and Mr Swan thinking they knew it all, thinking that they could outsmart the three CEOs of the big mining companies. Guess who won? If you could have a sweep on it I reckon Sportsbet would have laid the odds pretty heavily in favour of the three CEOs.

Of course, unfortunately, we are now paying the price. Part of the price that we are paying is that the Labor government sought to sell this so-called reform to the Australian people on the basis of a whole range of
goodies and bribes to the electorate. This is what Labor are all about: they want to buy their way back into government and on the way attack Mr Abbott. But what I say to the Australian people, through this forum, is this: the mining tax has failed. Take all the predicated expenditure which was also rammed through this place courtesy of the Greens-Labor alliance and is now clearly unaffordable on all the evidence. Who is going to pay for it? Future generations, because the government have now abandoned their promise of a surplus. If ever there were a case for young Australians to vote for the future of their country, it is this, to vote for the party that actually believes in intergenerational economic responsibility. To keep on maintaining the debt levels that we have today and try to keep our lifestyle as it is, lumbering the cost with interest onto the next generation, is an example of the gross incompetence of the Labor Party. Dr Parkinson's testimony to the economics committee disclosed quite clearly that Mr Swan was either grossly negligent or grossly reckless. We do need and deserve an explanation from the government as to how this debacle was able to be achieved. It was all their own work—we know that—because they specifically dismissed the Treasury officials. They were so smart they only had to work this out all by themselves with three CEOs! Yet we have the audacity of the Leader of the Government in the Senate trying to claim that somehow 'we do deals with rich miners'. Excuse me, but who did this deal and got done over by the three richest mining companies in Australia? Minister Conroy, you and your government did—your Prime Minister and your Treasurer—and that is the legacy that will be left, and will be remembered by the people, because of this government.

So what we have here is a gross example of ministerial incompetence mixed up with ministerial arrogance as they are thinking they know it all and then when the problem blows up, who do they blame? 'It's the states' fault but we didn't consult them' or 'It's the territories' fault but we didn't consult them' or 'It might be the miners' fault and the Treasury's fault.' When you do not include the people in the equation you can hardly blame them afterwards for the debacle. There are two people who are at the head of this government—the Prime Minister and the Deputy Prime Minister, the Treasurer—who personally negotiated this fatally flawed deal, a deal which has punched a billion-dollar-plus hole in the government's forward estimates of billions and billions of dollars—and those are thousands of millions of dollars. Keep in mind, if you want to get an idea of how big that is, that they trumpeted that a $1 billion surplus was going to be a huge economic outcome. Multiply that but in the other direction—negatively—and that is the hole that is now left in the budget courtesy of Ms Gillard and Mr Swan—all their own work because they knew better than Treasury officials. So it was not surprising that, by implication, the head of Treasury dumped on the government by saying it was not the fault of commodity prices—that it was not as the leader of the government in this place sought to say—but was the fault of the scheme and its design. As I have said before and as I will say again: when even your own members, like Joel Fitzgibbon, the member for Hunter, understand that and your own Leader of the Opposition, desperate to win some votes in the west, is willing to say it is fatally flawed and hugely damaging to the sovereign risk reputation of Australia and to forward mining initiatives—when Labor doyens like that can acknowledge it—one wonders why is it that Ms Gillard and Mr Swan cannot. One reason is their own pride—it was all their own work, so they cannot admit that
they made such a fatal mistake in the design. This is a fatally flawed scheme. At at least make sure if you are going to devastate our sovereign risk reputation, that there is a dividend on the other side of the ledger. Our sovereign risk reputation has been trashed without any real money being collected on the other side. This is the classic loss-loss that only those with the ingenious nature of Ms Gillard and Mr Swan could think up and produce.

This is serious. The mining sector in Australia has been its mainstay for a considerable period. This Labor government has sought to kill the goose laying the golden egg for the Australian economy. Fortunately, in this absolute debacle they have simply wounded the goose and it has flapped away. We hope that the likes of Joel Fitzgibbon and the Australian Greens will not get their hands on the mining tax and complete the job.

Honourable senators interjecting—

Senator ABETZ: Senator Cameron continues to talk across the chamber about Gina Rinehart. What his fascination with her is we do not know, but we do know that Ms Gillard had a fascination with the three top mining companies in Australia and they did over her and Mr Swan. They were done like a dinner. Labor is now confronted with the embarrassment of it all, and the Australian Greens are scrambling around for advice because they guillotined this tax through the Senate, they forced it through the Senate, and then, in a bit of a temper tantrum at the Press Club recently, they ripped up the agreement, with Adam Bandt saying that this was the straw that broke the camel's back.

The mining tax is a destructive tax cobbled together by a dysfunctional government. That is why the Senate should declare that it has no confidence in the government's handling of the mining tax.

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:47): As we were submitted to that 20 minutes of diatribe, we all got an image of Eric in his bathroom practising in front of the mirror—adjusting his tie, puffing his chest out and showing how outraged he was. What a pathetic performance. Is that the best he can do when he has actually prepared for this stunt? Let us be clear that this is nothing more than a stunt. Those opposite cannot wreck question time in the House of Representatives today, so they want to wreck it in the Senate—but they cannot even do that properly.

The only reason they have moved this motion of no confidence on the minerals resource rent tax is that the good ladies and gentlemen of the press are sitting up in the gallery. Everybody knows that is the only reason this motion has been moved by the opposition. It is not orthodox practice in the Senate and until now, in general, we have avoided the sorts of tactics that we have seen in the House of Representatives, where there is no interest in question time, no interest in discussing public policy and no interest in talking about anything important to the future of the country—only an interest in stunts. Everybody watching knows that this motion is nothing more than a grandstanding stunt, a tactic by those opposite because there is no question time in the Reps. The press gallery is here and it is the turn of the Senate coalition to look like they can blow the place up as well. That is the sum total of this opposition's contribution to public policy debate in this country.

I am happy to talk about the economy and jobs. I know that those opposite are not interested in talking about jobs—it is obvious in here that they do not want to talk about Australian jobs. We saw that when Senator Lundy was on her feet talking about
Australian jobs. We saw it with the usual smart alec contribution of Senator Brandis—

**Senator Fifield:** That's not fair, Penny.

**Senator Wong:** I am sorry, Senator Fifield—your smart alec contributions as well. Those opposite were completely uninterested in talking about Australian jobs. Let us hear a few statistics that those opposite do not want to talk about. How about an unemployment rate of 5.4 per cent? How about 800,000 jobs being created since we came to government? It has gone very quiet over there. They do not want to talk about that. Let us talk about the size of the economy. Our economy is 13 per cent larger than it was when we came to government, prior to the global financial crisis—something those opposite lied about to pretend it did not occur. Those opposite like to scrub the GFC from the economic history of the nation and the globe, saying that somehow it did not really happen. The reality is that it did.

What have we achieved in this country—government, business and employees working together? An economy 13 per cent larger than it was at the end of 2007. There are comparable economies that still have not got back to the same level of output, that are still not the same size they were over five years ago. Have a look at some economies overseas. Senator Brandis and Mr Abbott love to look to the United Kingdom and talk about the wonderful things that we should aspire to, I think has grown 2½ per cent. So let us get the facts on the table when it comes to economic performance. Cash rate—what is the cash rate? Three per cent as at December 2012.

**Senator Brandis:** That is because the economy can barely raise a pulse!

**Senator Wong:** I will take that. The brilliant Deputy Leader of the Opposition says that the economy barely has a pulse! What a brilliant contribution that is! We had 3.1 per cent growth through the year. That is something most advanced economies would give their right arm for, and yet another example of the way those opposite believe it is entirely appropriate to talk down the Australian economy. Australian workers do not thank you for that, Australian families do not thank you for that and Australian businesses do not thank you for that because we know that talking down the economy is not good for the economy. It is quite clear that those opposite are quite happy to put political advantage above the national interest every single time. Every single time, they will put political advantage above the
national interest. I was talking about the cash rate, and I know those opposite promised that interest rates would always be lower under them. Can everyone remember that? Interest rates would always be lower under a coalition government. Well, they are lower under us. Despite the fact those opposite want to forget this, they are lower under a Labor government, and, of course, we see inflation being contained.

Those opposite want to have a debate about the economy, and we are very happy to have a debate about the economy. We are very happy also to have a debate about our fiscal position, because, yet again, we hear those opposite saying things which are completely untrue. I make this point to the chamber: we have a AAA credit rating with a stable outlook from all three international ratings agencies. So the question I would ask is this: do you believe Senator Abetz or do you believe the ratings agencies? Do you believe the markets, which show confidence in the Australian economy, or do you believe Senator Abetz? Do you believe market commentators and people investing in Australia? We have investment that is approaching the highest percentage of GDP in the nation's history. Do you believe people who are investing in our economy or do you believe those opposite, who are scaremongering for nothing more than political purposes? The reality is that those opposite have no idea when it comes to the economy and no idea when it comes to public finances.

I will make another couple of points about spending and about the budget. Of the 12 coalition budgets that were handed down, nine of them showed higher spending as a percentage of GDP—nine out of 12—so higher spending as a proportion of GDP than now. I would also make this point: when you look at our last five budgets plus the last mid-year review, we have delivered $154 billion worth of saves. That is eight times the number of savings delivered by the Liberals in their last five budgets when, of course, we remember that there was revenue coming in hand over fist to government that they frittered away and failed to invest in skills or in infrastructure or in anything of long-term benefit to the nation.

Today, the coalition want to talk about the government. Let us talk about the things that they do not want to talk about. I would like to remind them that they say we should not be funding anything and that all of this expenditure associated with the mining tax should be avoided. It is really interesting that they are also agreeing to match the government when it comes to the superannuation guarantee. I am interested to see—it has gone very quiet, and I know that Mr Robb was rolled by Mr Abbott in this—if they ever fess up to the Australian people, given that they want to abolish the carbon price and abolish the mining tax, how they propose to fund the increase in the superannuation guarantee levy. It is yet another example of those opposite refusing to give any costings to the Australian people.

Let us remind Australians and the chamber of the things that the coalition do not want to talk about. They do not want to talk about the cuts that they want to implement should they win government. Let us remind ourselves about some of what we already know. We know that they want to give a tax hike to all low-income workers. Everybody earning under $80,000 a year that gets a tax cut under us will get a tax hike under the coalition by removing the tax-free threshold changes that Labor put in place. This shows their values; this shows their priorities: ‘Let’s hack into workers earning under $80,000 a year’.

What else will they do? They will roll back the low-income superannuation
contribution. They want to impose a tax hike on 3.6 million Australians—the lowest-paid Australian workers. So, tax hikes on people earning up to $80,000 and an additional tax hike on people on the lowest incomes—the lowest-income workers in Australia, of whom the majority are women. 2.1 million of the 3.6 million people in this country who benefit from that super tax rate that a Labor government is implementing will get hit, should the coalition win power.

What does this speak to us about? It shows what their values are. It shows that the first people in line when a Liberal Party and a National Party are looking for cuts are low-paid Australians. That is what it shows. Low-paid Australians are the first ones in line for cuts and tax increases should a coalition government be elected. It says something very clear about the difference in values between this side of the chamber and those opposite. Those opposite want to go hard on low-income Australians; we want to support low-income Australians. That is the difference between the two sides of parliament.

I also want to make this point: we also know the game plan for those opposite. The game plan can be very clearly seen in what we see, particularly in Queensland, where before an election they do not actually want to tell people very much about what they want to do because it is so bad. We know what Liberals do: they cut health, they cut education and they cut services. That is what they do. We know that is what Liberals do.

What we are hearing is those opposite yet again saying, 'We actually do not want to tell people about that. We know we have to say a few things—that we are going to increase taxes on everyone earning up to $80,000. We know we have to say something about the low-income super contribution—we are going to tell people that. But we are not going to talk about anything else.' We saw that game-playing in Queensland. We saw what Premier Newman did in Queensland. He told people that he would not be too radical, and what did we see: cuts to health and cuts to education. That is what we are seeing and that is what Liberals do.

We know that because over and over again the opposition are avoiding any scrutiny when it comes to their budget position or when it comes to details of their policies. They come in here and they want to talk to us about the mining tax. What I would say to you is this: when will you tell us anything about how you will pay for anything you are promising—anything about what you will do? We know that in this economic team—among those opposite there is no Peter Costello, let me tell you—since Mr Hockey has been in his position, there has never once been delivered a policy costing which added up. He has never once delivered a policy costing that added up. Instead of making sure that it adds up, what is he doing? 'We just will not put them out. That is what we will do—we will not actually put them out.'

How do we know? Before the last election, they used a Western Australian accounting firm that was subsequently found to have acted unprofessionally. This was your budget position: an $11 billion black hole was discovered by Treasury and by Finance after the election. And what have we seen since then? We have seen another botched attempt at costings where you have used a catering company to put forward your costings.

This coalition has had such an embarrassing history when it comes to anything fiscal, when it comes to any policy costings, when it comes to any transparency and when it comes to fessing up to the Australian people about anything they will
do. They have the hide to come in here and say they want a debate on taxation and the economy. What a joke! I think that everybody here knows precisely what a joke it is.

You had the opportunity in this question time if you really cared about some of the things you say you care about. We hear Senator Abetz whining about how little time they had on the MRRT package—in excess of nearly 15 hours of debate—and they say that they did not have enough time, that they never get the opportunity to talk about policy. Well, you had the opportunity today to ask ministers questions. You could have asked about the National Disability Insurance Scheme, but you do not want to do that. You could have asked about education, but you do not want to do that. You could have asked about jobs, but you do not want to do that. You could have asked about the economy, but you do not want to do that. All you want to do is continue the relentless negativity, and complete absence of any positive plans for the future of the nation, that you have become known for. That is the sum total of the contribution of this opposition to today's political debate.

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:03): This move by Senator Abetz is so transparent and expected. It is why I indicated at the Press Club last week that we would not be doing anything to move or support a no-confidence motion in the government.

Opposition senators interjecting—

Senator MILNE: We have no intention of allowing Senator Macdonald to send the CSIRO to Karratha or wherever else he wants to send it. We have no intention of letting Tony Abbott put 100 dams across Northern Australia. We have zero intention of allowing Zed Seselja—

Opposition senators interjecting—

The DEPUTY PRESIDENT: Order! Order on my left! Senator Milne, you have the call. Please refer to members in the other place by their correct title.

Senator MILNE: Thank you, Mr Deputy President. We have no intention of allowing Mr Zed Seselja to sack 20,000 public servants in the ACT and send half of the rest north of the Tropic of Capricorn.

Senator Joyce: Mr Deputy President, I rise on a point of order on relevance. We have just heard the minister give a speech that was in absolutely in no way relevant to the issue of the mining resource rent tax. Now we have Senator Milne giving a speech that—

The DEPUTY PRESIDENT: Order! Is this on relevance, Senator?

Senator JOYCE: It is one on relevance. If she is embarrassed by the fact that she is about to support the government on the tax that she said she would not support them on, let her just say so.

The DEPUTY PRESIDENT: Order, Senator Joyce! There is no point of order.

Senator MILNE: Thank you, Mr Deputy President. There is only one serious embarrassment in here and he has just sat down. I get to the point here. This is a classic case where we have sat here and listened to 40 minutes of ranting on both sides of this chamber and nobody has talked about where the revenue is going to come from to do the things that the Australian community want done, particularly in the lead-up to the election. It is a classic case of a pox on both your houses as far as the community is concerned. That is why I am moving to amend the motion as follows:

Omit all words after "That", substitute "the Senate condemns the Government's failure to put in place a mining tax which raises sufficient revenue from the big miners to fund Australia's long-term needs".

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Opposition senators interjecting—

CHAMBER
Senator Milne: I understand that Senator Joyce does not want to raise the money to fund the Gonski reforms, for example. He does not want to raise the money to put in place national disability insurance; nor is he prepared to tell people in his electorate in Queensland that he is going to change the tax-free threshold from $18,000 back to $6,000. So let us hear from Senator Joyce, when he speaks a little later, how he is going to do anything other than open his big mouth and make an even bigger fool of himself.

I want to come to the point about revenue raising. There is all this talk about what promises are going to be made or not made in the election campaign. The people want to know where the money is going to come from in order to implement the Gonski review. Let me start with that as an example. We need a new funding model for education in Australia. Where are we going to get that money if we do not raise it from those who have the capacity to pay?

Let me just take BHP Billiton for a moment. BHP Billiton have just made a $9 billion profit and Marius Kloppers has just walked out the door with a $75 million handout, yet BHP can only spend $77 million on the mining tax. It is time that we actually raised the money so that we can put it into Australian schools. We still do not have in this house a piece of legislation for a funding model to pass between now and the election, and we need it, but we also need to know how to fund it.

I happen to agree that it is very clear that the mining industry ran rings around the Prime Minister, the Treasurer and Minister Ferguson. They did—it is now quite clear that that happened. But I want to come to this idea that the Greens should have known that somehow and I want to go through the dates to explain this. It was on 2 July 2010 that the Prime Minister and Treasurer Swan announced to the Australian people they had reached a deal with the big miners. The federal election was called on 17 July for a 21 August election. No further information was made available in the public arena in relation to the exact details of that tax, nor were they revealed throughout. Indeed, the details were not revealed until a long time afterwards, after the agreement that the Greens reached with the government.

So let us get back to the facts of the matter. Between 2 July and the time the election was called, no details were in the public arena. And, for example, it did not come out in the public arena until Senate estimates the other night that Treasury officials were not even in the room. You do have to ask yourself: what were the Prime Minister, the Treasurer and Minister Ferguson doing? In fact, where was Minister Ferguson? He seems to have slipped out the side door and managed to avoid the criticism that he ought rightly to have been there. Of course, he would be the best friend of Senator Macdonald—they are both on the same side on many issues. When we get to the point here, the fact of the matter is nobody knew and we have only just discovered from Treasury that Treasury were not in the room to negotiate this outcome.

The other reason we need to fix this mining tax is one where we get total hypocrisy from Senator Abetz and the coalition. They do not want to raise a cent. In fact, they want to let Gina Rinehart, Twiggy Forrest, Clive Palmer et al off paying any tax—any at all. Not once has Senator Abetz or anyone on that side been able to say where they are going to get the money from to be able to do what they say they are going to do. If you say you are going to get rid of the mining tax, if you say you are going to get rid of the carbon price, how are you going to
fund the change to the tax-free threshold and the compensation payments more generally? How are you going to fund the superannuation contributions? How are you going to fund any of those things? You have not presented a single idea about where the money is going to come from except that, as you have already said, you do not support giving even a $4 a week increase to people who are on the lowest level of support in Australia. What a disgusting exhibition of meanness and of increasing the gap between the rich and the poor in Australia. You do not want the miners to pay anything, but you are not even prepared to give people on Newstart or youth allowance $4 a week.

As far as the government is concerned, you do not want to give them more than $4 a week; in fact, you have taken away the support for single parents and you are not prepared to see people on Newstart get $50 a week more, even though all the community NGOs who are supporting people in the community are saying it is essential and so too are the churches and the business groups. Everybody recognises that people are living below the poverty line and we have to do something about it.

How fair is it, when people are living below the poverty line, that we have a coalition saying it is fine for BHP to make their $9 billion and for Marius Kloppers to walk away with $75 million in his pocket? It is fine as far as the government is concerned not to fix the mining tax but, instead, to leave the Gonski report not fully implemented until 2019. That is on the never-never. That will never happen. That is the fact of the matter: unless you bring these things forward and fund them, they are not going to happen. It is the same with the promises about national disability. How are we going to get this actually implemented? To make them at-risk propositions, to go out there and say, 'Unless you vote for us you are not going to get these things,' is to condemn another generation of schoolkids around Australia to a completely unfair, unjust funding model.

We cannot afford to have these things made at-risk propositions. I will never facilitate the coalition determining that you will not get a fairer school funding model. The minister has said that the funding model is coming. Well, let us see it in here. The opposition spokesperson, Christopher Pyne, has said he wants to delay it for another two years. Let us go back. In 2007, when the Labor Party came to power, Prime Minister Gillard was the minister for education and she deferred that funding model for two years. It has been deferred and deferred and deferred until the last gasp of this government. Now it is right up against the election and we have a coalition saying they want to maintain disadvantage in schools around Australia. They want to maintain the poorest and most disadvantaged schools being disadvantaged and to maintain that unfair, unjust funding model. I am not going to facilitate that because I want to see this money raised.

I am not going to facilitate a coalition which wants no mining tax and is hypocritically standing up here criticising the mining tax. If you want to actually see justice in Australia—which you talk about—do something about it and let's raise the money. If you are not prepared to raise it from the miners, tell me where you are going to raise it and identify the people around Australia whose pockets you are going to rob. Which people are you going to take money from? That is the obligation of the coalition. You cannot just come in here and get stuck in about a mining tax which I agree has been poorly designed and which needs to be fixed. We need the money. I am just tired of a debate where everybody says what they will spend the money on and nobody says how they are going to raise it.
The Greens are prepared to fix this. We have said that, if you lift the rate to 40 per cent, if you block the state royalty loopholes and if you deal with the accelerated depreciation, you could get $26 billion over the forward estimates. How is the coalition going to pay, how is Labor going to meet the Gonski implementation and when are we going to see that funding model? When are we going to see some fairness and justice for people who are on Newstart, for people who are on youth allowance and for single parents? When are we going to see those sorts of things, because, as we speak, there are children in Australia who go to school hungry and are at school hungry today? The coalition would rather have the mining industry pay no taxes, the Labor Party is not prepared to fix the holes in it, and neither side is prepared to say where the money is coming from. Until we get an idea of where the money is coming from, everything that the coalition are saying about this is simply hot air because we do not have any notion from them about who is going to pay for this direct action. Where is all this money coming from? It is simply not there as far as the coalition are concerned.

Worse than that, we have even had the coalition trying to get people to breach their statutory obligations and break the law. We have had Andrew Robb—

Senator Abetz: That is Mr Robb to you.

Senator MILNE: Yes. We have had Mr Robb and Mr Hunt write to the Clean Energy Finance Corporation and ask them to break the law. What sort of behaviour is that from the coalition? It is all because we do not want $10 billion to go into renewable energy. I want to see $10 billion into renewable energy. I want to see large-scale solar rolled out across Australia and I want to see the Clean Energy Finance Corporation get that leveraging of private sector finance to drive the clean energy revolution. It is shocking when you think about what the coalition have done. They have written to people asking them to breach their statutory obligations and break the law. That is how far they are prepared to go and yet they are not prepared to drive the clean energy revolution at all. They have made no undertakings in terms of the renewable energy target and actual energy at use here. We have really got big issues with the coalition running away and hiding from actually answering some questions. That is the fact of the matter.

I invite any one of you in the coalition to get up in a minute and tell us where the money is coming from. Where are you going to get the money if you are not going to support the mining tax, if you are not going to support carbon pricing? If you are not going to do that, where are you going to get the money to maintain the tax-free threshold at $18,000? Let me just hear that for a start. Where is the money coming from? Where is the money coming from to pay the polluters? No doubt it is coming out of the pockets of those who can least afford to pay because that is the coalition's track record.

As far as the government is concerned, there is no doubt that we need to raise this money and we need to raise it now. We want the funding model for Gonski in this parliament legislated and locked in so that, whatever the election outcome, the Greens will hold the balance of power and can stop it being repealed. I can tell you that, when we get this election, there will be students around Australia and their families devastated if the new funding model has not been legislated and the funding brought forward so that it is left until 2019-20 to have it implemented. It is already shocking that a child who started school in 2007 has left primary school and they still do not have the inequitable funding model dealt with.
It is interesting that Senator Nash supports coal seam gas and loss of farmlands and contamination of groundwater across northern New South Wales, a process going on as we speak. I am interested that we are not hearing anything from Senator Joyce about the massive support the Nationals have got for coal seam gas and expansion of coal mining around the country. So much for the National having a base which is supposed to be looking after agricultural land and farmers. Far from it, their former leader is head of a coal company destroying agricultural land and forests and woodlands in the Maules Creek area for a start.

The opportunity is there to raise money and that is where the Greens stand on this. Both the coalition and the Labor Party need to start getting real on where the revenue is coming from or else all of these promises and announcements about national disability, Gonski and superannuation will count for nothing if there is no money. R&D funding is exactly the same. We are hearing about $1 billion getting taken out of research and development but only $400 million going into the jobs packet—$600 million is going to the budget to prop up whatever the election announcements are going to be from the government. The fact of the matter is, if you want to be a clever, innovative country, you need to be supporting universities and TAFE. You need to be supporting students—

**Senator Joyce:** I raise a point of order on relevance, Mr Deputy President. I want to make sure that Senator Milne has said that she wants to hear what we have to say. That would mean that she is not going to guillotine the debate.

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

**Senator MILNE:** Thank you. The point I am making, for Senator Joyce's interest, is that you need more money put into research and development, not less. We should be increasing the money. We are low in the OECD rankings of the spend. If you spend money on research and development, it flows through into jobs. There is no question about that. It also flows through into the CRCs and into small companies that are engaged in research. You get research clusters, and that is where we need to go if we are going to be a clever country that uses fewer resources and gets more from what we do. That is what you do with R&D.

I can tell you now that the agricultural sector is desperate for more R&D funding and we need more. The question now is: where is the coalition going to get the money for R&D for agriculture? Where is the coalition going to get the money to support its so-called direct action? Where is the money from Senator Joyce to pay the polluters, because that is what he wants to do? That is what he wants to do—pay the polluters. He can go back to his constituency and explain to them how he wants to take money out of the pockets of single parents, money out of the pockets of people on Newstart, so that he can pay the polluters. He can let his friend Clive Palmer and others off taxes. That is exactly where the coalition want to go, but the Greens do not.

The Greens want a more caring society. We want one where we care for the environment and care for people, and we want to make sure that we raise the money from those who can afford to pay, which is just and fair. What we need to hear from both sides is: where is the money coming from?

**Senator BRANDIS** (Queensland—Deputy Leader of the Opposition in the Senate) (15:24): We heard before a very
remarkable speech from Senator Penny Wong. It was remarkable for two reasons. First of all, it was remarkable that, on the most solemn parliamentary occasion there can be, a motion from the opposition of confidence in the government's handling of a key issue of public policy.

Senator Jacinta Collins interjecting—

Senator BRANDIS: Senator Collins, it may have escaped you, but the House of Representatives is not in session today.

The DEPUTY PRESIDENT: Order! Senator Brandis, please resume your seat. On my right, Senator Collins and others. Senator Brandis, you have the call.

Senator BRANDIS: Thank you, Mr Deputy President. I was simply, through you, pointing out to Senator Collins that the Senate is a coequal chamber with the House of Representatives and happens to be the only chamber in the Australian parliament in session today. It was a remarkable speech by Senator Penny Wong because, on this very important parliamentary occasion, it was the Deputy Leader of the Government in the Senate, not the Leader of the Government in the Senate, who responded on behalf of and in defence of the government to a motion moved by the Leader of the Opposition in this place, Senator Abetz. One might imagine that after his blundering, inarticulate, uneducated, incompetent effort in answering questions directed to him, in particular by my colleague Senator Sinodinos, that Senator Stephen Conroy was feeling a little sheepish. Nevertheless, on a motion of this kind it ought to be the Leader of the Government who defends the government, not the deputy.

Be that as it may, the other remarkable thing about Senator Penny Wong's speech today is that the subject of Senator Abetz's motion—that is, the mining tax—was barely mentioned by her. In 20 belligerent minutes, in 20 minutes of relentless negativity, there was barely a mention of the MRRT, the subject of the motion, because Senator Penny Wong, I suspect, is smart enough to know that she cannot defend the indefensible. She might be smart enough to be unable to defend the indefensible but Senator Penny Wong has not been smart enough as finance minister to be able to deliver a budget surplus.

We sat through question time after question time over the last year with Senator Penny Wong as finance minister. Not a day went by in question time throughout 2012 when Senator Penny Wong did not refer to 'the budget surplus' as if a surplus budget were locked in stone. In fact, humiliatingly, just before Christmas the Treasurer had to admit, as the opposition had said all along last year, that there would be no budget surplus in 2012-13 and there would be just another historically large deficit. In fact, if the electoral fates cast their judgement on this government on 14 September, or perhaps sooner, and the government were to go out of office later this year, it will be the first Australian government in living memory never, never to have produced a budget surplus. That, Senator Wong and Senator Conroy, will be your legacy.

We know that the previous government, the government of Mr John Howard and Mr Peter Costello, made budget surpluses the norm. It was the totem of their fiscal discipline. In the 12 budgets that Peter Costello brought down, 10 of the 12 were surplus budgets. We know that in the previous period—

Senator Thorp interjecting—

Senator BRANDIS: Senator Thorp, I know you do not sit right at the top of the Labor Party tree, but the attitude you display by your interjection sums up the mindset of this government perfectly. As I said, the last
government of Australia, the government of Mr John Howard and Mr Peter Costello, delivered 12 budgets and 10 of those 12 budgets were surplus budgets. I see my friend Senator Fifield nodding with satisfaction as I say that, because Senator Fifield, of course, was one of Mr Costello's senior advisers who can take some share of the credit for producing that magnificent outcome which put Australia in the best financial position in the world at the time of the change of government in 2007.

I do not want to be unfair to my Labor Party colleagues, because there have been previous Labor governments that have produced budget surpluses, too. In the previous period of Labor government, during the Hawke and Keating governments, there were several years in which the budget was in surplus. It was a Labor government and so in most years the budget was in deficit, of course, but in several of those 13 years the budget was in surplus. In the previous period, the government of Mr Malcolm Fraser, the budget returned to surplus. It might surprise you, Mr Deputy President, to learn that during the period of the government of Mr Gough Whitlam, who produced three budgets, in two of those years the budget was in surplus—the national debt went through the roof, of course, because of borrowing, Senator Ronaldson, but nevertheless in two of the three years of the Whitlam Labor government the budget was in surplus.

Of course, in the 23 glorious golden years of coalition government, which preceded the government of Gough Whitlam, the budget was in surplus. It might surprise you, Mr Deputy President, to learn that in the last year of the wartime Labor government, the government of Mr Curtin and Mr Chifley, the budget returned to surplus in 1949. In the prewar government of the United Australia Party, under Joseph Lyons and Robert Menzies, the budget was routinely in surplus, but then one gets to the government of Joseph Scullin and that was the last time—mercifully it was only in office for three years; the government was elected in 1929—that an Australian government went out of office having never produced a budget surplus.

Mr Deputy President, you would have to have been born in 1908 to have voted for the last Australian government never to produce a budget surplus. But that, Senator Penny Wong, is your legacy. Not only is it a hopeless legacy in historical terms but it is a hopeless legacy by your own definition of your own competence, because it was your leader, Senator Penny Wong, who said that 'the test of a government's capacity to manage the budget is the test of its competence'. That is what Julia Gillard said.

Senator Wong: She is the Prime Minister.

Senator BRANDIS: I am sorry, Ms Julia Gillard, the Prime Minister—Ms Julia Gillard, the Prime Minister, said 'the test of a government's capacity to manage the budget is the test of its competence'. And Mr Wayne Swan, who sits at the heart of the government's economics brains trust and whom I have known since we were university students in the 1970s—he had no brains then and his intellect has not grown in the years since—said: 'Come hell or high water, we will be returning to surplus.' These are the fiscal geniuses who went naked to negotiate the mining tax that produced no revenue. It produced many other things by the way, Mr Deputy President. It produced a prime ministerial scalp, because you will recall that it was on the basis of the mining tax that Ms Julia Gillard—in conspiracy with Mr Wayne Swan and in violation of her repeated and solemn and emphatic assurances of support and loyalty to Mr
Kevin Rudd—tapped him on the shoulder in the dead of night on 23 June 2010, a day of infamy in Australian politics, and removed the elected, sitting prime minister. The mining tax did produce that historic result, but revenue, it produced nary a dollar.

After resisting for weeks any attempt at accountability to parliament for the revenue collected by the mining tax, eventually the Treasurer relented, and the pathetic, limpid figure of $126 million turned out to be the entirety of the revenue collected by this mining tax in this financial year. Just think about it, Mr Deputy President, originally the budget projection for the revenue from the mining tax was $3.7 billion. The revenue projection was revised downward by almost half so that it became a revenue projection of $2 billion—from $3.7 billion to $2 billion to $126 million. And Senator Conroy says, 'Well, the iron ore price has been very volatile. It's gone up and down.' Yes, it has, Senator Conroy. It has gone up. The price of iron ore has gone up by $30 a tonne. The Secretary of Treasury, Dr Martin Parkinson, himself admitted to Senate estimates under questioning from Senator Sinodinos that the fault was not in the international price of minerals; the fault was a design flaw in the heart of the tax.

Let me say that again, because we heard no answer from Senator Wong put up because Senator Conroy could no longer cope. Senator Conroy, in his answer to Senator Sinodinos's question today, said, 'Well, the reason the mining tax has collected a negligible amount of revenue is because of the volatility of international mineral prices.' But Dr Martin Parkinson, the head of Treasury, told Senator Sinodinos in estimates that that was not the reason. Dr Martin Parkinson said the mining tax did not collect the projected revenue because of design flaws in the tax.

That brings us to the obvious question: who designed the tax? Who were the fiscal geniuses who were responsible for designing this tax, the fiscal architects of this tax that was such a terrific tax that it provided a political excuse to assassinate an elected Prime Minister but barely collected a dollar for consolidated revenue? We know who they were: Ms Julia Gillard and Mr Wayne Swan. They went to the negotiating table with Mr Marius Kloppers, Mr Tom Albanese from Rio Tinto and the CEO of Xstrata, and between the five of them they designed a tax.

Mr Deputy President, who do you think were the smartest people in the room that day when it came to designing the mining tax? Do you think that perhaps Mr Marius Kloppers, who until recently ran the biggest mining company in the world, was the smartest person in the room? Do you think that Mr Tom Albanese, who until recently ran Rio Tinto—Australia’s biggest single taxpayer, by the way—was the dummy in the room?

Senator Fifield: No!

Senator BRANDIS: No, Senator Fifield, perhaps not. Or do you think the CEO of Xstrata was the dummy in the room—who had no idea what they were talking about when it came to minerals taxation? I suspect not. I do not want to be cynical; I do not want to be sarcastic or scathing, but I suspect not. I suspect the two people in that room who least knew what they were doing were Ms Julia Gillard, whose entire life experience before coming into this place had been as a dodgy trade union lawyer, and Mr Wayne Swan, who, as I said, I have known for 35 years. He was a dope then and he is a dope still. They came out of that room and Julia Gillard was smiling—

The DEPUTY PRESIDENT: Order! Senator Brandis, please refer to the Prime Minister using her honorific. I also suggest
that it would be better if the other comments you made a moment ago were withdrawn.

Senator BRANDIS: If you so rule, Mr Deputy President.

The DEPUTY PRESIDENT: That would assist the chamber. Thank you, Senator Brandis.

Senator BRANDIS: Who do you think came out of that room with a Cheshire cat smile?

Senator Thorp: Oh, do tell us!

Senator BRANDIS: I am going to tell you, Senator Thorp. Senator Thorp over there from the Labor Party brains trust thinks that whether the budget is in surplus or in deficit is a matter of complete irrelevance. I am going to tell you, Senator Thorp. Ms Julia Gillard, the Prime Minister, came out with a Cheshire cat smile because she knew that, whatever the hit to the revenue, she had got past a political difficulty for herself. She had got past a short-term political difficulty for the government. Mr Wayne Swan is a person of such intellectual depth that I suspect he had no idea what was going on. But the three people who I feel very certain had the biggest Cheshire cat smiles on their faces that night were the CEO of BHP Billiton, the CEO of Rio Tinto and the CEO of Xstrata, because they knew they had found negotiating partners who were, shall we say, a walk in the park.

So who is going to suffer from this? Who is going to suffer from the hubris, the incompetence, the ignorance of the senior ministers who negotiated this mining tax? The bottom line of the budget is going to suffer. Senator Conroy said before in his answer, 'Well, if you want to see the effect of the mining tax collections, it is in the budget bottom line.' Senator Conroy, you are right. That is the one thing you got right: it sure is in the budget bottom line, because the budget has gone from a projected surplus to a projected deficit approaching $20 billion and heading south. So, for five years out of five, we will have, on your government’s watch, a deficit budget.

I do not want to be mean-spirited, but I have to say that I have never seen—and the Australian people have never seen—a more fiscally, economically incompetent bunch of ministers than the ministers in the Rudd government and, most particularly, in the Gillard government. And there has been nobody more incompetent, nobody less equal to the task, than the Treasurer, Mr Wayne Swan—the genius who negotiated this brilliant mining tax!

If this government does go to electoral oblivion later this year—and that is by no means for sure; we go into this election as the underdog—it will be remembered as the only Australian government, in the memory of the oldest person living in Australia today, never, ever to have produced a budget surplus. That will be your legacy. That will be the badge you will wear from hereon, down the pages of Australian history for all the years and decades into the future. It was on your watch; you were the ministers who never, ever in the life of the oldest living Australian, managed to produce a budget surplus. Yet it was your Prime Minister who said, 'The capacity to manage the budget is the ultimate test of a government’s competence.'

Opposition members: Hear, hear!

An incident having occurred in the gallery—

The DEPUTY PRESIDENT: Order in the gallery! It is inappropriate to applaud.

Senator KIM CARR (Victoria—Minister for Human Services) (15:44): Senator Brandis asked us who was the smartest person in the room. Well, we know the answer. Who is the smartest person in the room every day of the week? It is none other
than Lord Brandis himself! What we have seen is an arrogant, contumacious, pompous display of the attitude that this opposition brings—

Senator Nash: On a point of order, Mr Deputy President, I would ask that you ask the minister to refer to Senator Brandis by his correct name.

The DEPUTY PRESIDENT: Thank you, Senator Nash—quite appropriate. Senator Carr, please refer to Senator Brandis as 'Senator Brandis'.

Senator KIM CARR: I will indeed. I was simply complimenting Lord Brandis on his approach—

The DEPUTY PRESIDENT: No, Senator Carr. You have to refer to Senator Brandis as 'Senator Brandis', thank you.

Senator KIM CARR: Thank you, Mr Deputy President. Senator Brandis has tried to present to us that he is the cleverest man and is God's gift to the legal fraternity. He is obviously the most intelligent legal mind that has ever been produced in this chamber! He is a man that is knee-deep in horsehair and can advise the rest of us about what is right and what is wrong when it comes to the question of revenue in this country, because not one word has he said about the question of the revenue that was raised by this particular tax. He argues that he is very concerned about the welfare of the mining industry when it comes to the question of the revenue stream here. He argues that it has not raised enough money; that is the claim that they are making publicly. We know what crocodile tears those remarks are, because from day one of this whole exercise those opposite have opposed the resources rent tax. They have seen it as an opportunity to go down on bended knee to the wealthy and the vested interests in this country and to argue their case that they should pay no tax. That is the principle upon which they have based their entire approach. When it comes to actually helping out Australians in these times of need, what have we seen the opposition actually do? They have voted against tax breaks for 2.7 million small businesses, they have voted against supporting the retirement savings of 8.4 million working Australians, they have fought to deprive the country of the most needed infrastructure and they have done so in order to do the bidding of the most powerful and most deeply enriched vested interests in this country.

When we look at this whole issue, we do not hear one word of criticism of any state government that is imposing revenues in terms of its capacity through the royalties system. Not one word has been uttered about this. If it is such a shocking thing to tax the mining industry, why have we not heard a word about what is occurring with the states across this country? We know that the state royalties are an inefficient tax which actually discourage investment, but there is not one word from those opposite. We know that royalties do not ensure an adequate return to the community, and it is the community that owns these resources—it is not the states and governments but the people of this country that own these resources. Of course, there is not one word about the failure of the royalties system to ensure a proper return when commodity prices are high.

The Australian government has sought to engage the states on this matter, but what we know is that the states have taken full advantage of these circumstances. The New South Wales Treasurer, Mike Baird, has announced an increase in the state's mining royalties of approximately $1.5 billion over four years.

Senator Conroy: How much?
Senator KIM CARR: One point five billion dollars over four years. He says, 'Oh, this is to offset the carbon price.' What a pathetic excuse! What a miserable attempt to hide what is clearly a tax hike based on the coal industry! What we know is that the New South Wales government's increase in mining royalties increases the risk of investment cuts and increases the level of uncertainty for businesses.

We know that in Queensland a similar pattern has emerged. The Queensland government has announced an increase in the royalty payable for the coal price at more than $100 a tonne from 1 October last year. The increase will see a jump of some 10 per cent—a 10 per cent hike to 12.5 per cent—for every tonne of coal sold between $100 and $150. Coal sold for more than $150 a tonne will attract a 15 per cent royalty. This is an increase included in the Queensland 2012-13 state budget and it is expected to raise $1.64 billion over the next four years. So what we saw in the case of Queensland is that the government's decision to raise the royalty on coal will create additional pressures operating in that state, which is already being affected by the falling commodity prices, by higher costs and by the strong Australian dollar. There is not one word over there about the impact of those charges on the coal industry.

I am particularly interested that Queensland coal operators, under the resources rent tax, do not bear a liability and cannot offset it until such time as their profits exceed $75 million. If their profits are below $75 million, that means they cannot actually claim the state royalties back. So the consequences of the changes in Queensland are that small and medium-sized miners are in fact hit with that tax. There is not one word over there about the consequences of that operation and not one word in defence of the mining industry on those matters. We know now that Queensland is the fifth state—after Western Australia, South Australia, Tasmania and New South Wales—to increase the iron ore and/or coal royalties since the Commonwealth resources tax reforms were first introduced in May 2010. If the opposition were serious about these matters, they would have drawn attention to what has been a very substantial increase in revenues that have come from the states.

Upon coming to office, this government was faced with quite extraordinary economic difficulties flowing from the effect of the two-speed economy. We were determined to ensure that the government was able to assist people in rebuilding this country. That is why there have been record investments in health and education, record investments to build infrastructure and record investments to produce more jobs, more opportunities and more prosperity in this country. Despite the extraordinary headwinds of the international economic downturn, the economy has created 380,000 jobs, including some 67,000 jobs in the mining industry. There has been $152 billion of capital expenditure in mining, an increase of 160 per cent. There has not been one word from over there about the importance of those economic effects. Total business investment across the economy has increased by 45 per cent. There has not been one word from those opposite about the strength of the Australian economy. This government is in the business of ensuring that we, as one of the more prosperous countries in the world, are able to achieve this prosperity through having a balanced economy, not relying on resources alone but appreciating the skills and opportunities for the whole population.

That is the legacy this government has been building upon. That is why we negotiated and delivered the minerals resource rent tax. The coalition should stand
condemned for their opposition to this proposition from day one. The opposition have no credibility whatsoever when it comes to these questions. The opposition have not been able to release any of the costings for their promises. They are not subject to any scrutiny, any accountability. When people had a chance to look at their costings at the last election, they left a funding gap of some $11 billion. Their approach to these issues is about covering up the fact that, in aggregate, they now have commitments of $70 billion over budget expenditure. They need to find mechanisms to cover up the inevitably savage cuts that they will be making to hospitals, schools and universities. These savage cuts will have to be endured by working people across this country.

That is what this debate really is all about. It is not about the concern of the opposition for the revenue streams that are coming from the mining industry. Nothing could be further from the truth. We have an opportunity here to build a better country if this parliament is prepared to seize it. But those opposite have taken every opportunity to turn their backs on fairness and turn their backs on ensuring that we are able to build a stronger economy and a more equal society. After 21 years of consecutive economic growth, Australia is now the 12th largest economy in the world. This is despite the economic crisis.

You would have thought we would be able to seize that opportunity, build a much stronger and fairer economy and ensure that the people of this country are able to enjoy the security that comes from that sort of prosperity. But those opposite have been pursuing a policy which is really about defending vested interests. That is the long and the short of it. It is about defending those that are already extremely well-off. It is not about ensuring we have fairness built into the system. You have opposed every single measure to ensure we have a more productive economy and a fairer society. You are not in the business of ensuring the long-term reform that is needed to build the economic underpinnings to secure the prosperity of Australia.

While commodity prices are down, the revenues from this arrangement will be down. As commodity prices improve, the revenues will improve. We should not, however, fall for a moment for the claims that have been made, the crocodile tears that have been shed, about concerns about the mining industry. I am particularly concerned about the position that is taken in the education area and the failure of the conservative governments around this country to meet their responsibilities. The royalties they have taken from coal and iron ore have been used for other purposes at the same time as we have seen massive reductions in the hospital and education systems across the country where conservative governments have been in office. To me, this is a harbinger of things to come. What we are likely to see, if the coalition are ever elected, is a government that is determined to ensure that the pandering to vested interests is accelerated but the opportunities to support the people of this country with proper education and health take a back seat. We are entitled to ask, with a motion of this type: what does the coalition actually stand for? What does it actually seek to do?

**Senator Abetz:** The abolition of the mining tax.

**Senator KIM CARR:** You say you are about the abolition of the mining tax, but are you also saying that you are opposed to all the things that flow from it?

**Senator Abetz:** It's not funding it, you goose!
Senator KIM CARR: So you are going to remove the $18,000 floor from the taxation system?

The DEPUTY PRESIDENT: Order! Senator Kim Carr, first of all, direct your comments to the chair and please do not interject across the table. That goes for all senators.

Senator KIM CARR: We have today the clear statement from those opposite that those earning less than $18,000 a year will now be paying tax under a conservative government, and the measures taken on superannuation will not proceed—

Senator Abetz: No. We didn't say that at all.

Senator KIM CARR: That is exactly what you said: 'We don't have the money to pay for it, so we're not going to do it.'

Senator Abetz: No. That is untrue.

Senator KIM CARR: That is clearly what you were saying, Senator. You were saying that those who currently do not pay tax because they earn less than $18,000 a year will lose that benefit.

That has to be understood by the clear intention that you are pursuing here today. But, if it is not your policy, I have no doubt your next speaker will make it perfectly clear that it is not your policy.

What we have to do is see what other measures are also being funded by these measures which are already built into the budget.

Opposition senators interjecting—

Senator KIM CARR: Are you going to continue with them or not? Are you continuing with it or not, Senator?

The DEPUTY PRESIDENT: Order senators! We are not debating each other across the table. Address your remarks to the Chair, Senator Carr, please. You have the call.

Senator KIM CARR: It strikes me that what we are getting here is a little bit more than the opposition bargained for because they are now being forced to reveal what their policies actually are, and that is taking benefits off people—some of the poorest people in this country and some of the most vulnerable people in this country. There is an attempt being made by those opposite to actually defend what is indefensible. You want to support the vested interests of the multimillionaires, but you want to impose higher taxes and charges on the poorest people in this country. Is that how you are going to balance the budget? Is that your intention, to actually make people who earn less than $18 thousand a year pay tax? Because that is the clear implication of the proposition that you are advancing here today.

We know that since the resources rent tax was announced, those opposite immediately did the bidding of their billionaire mates. From day one, they have said that they will not support what they call an 'investment-destroying and job-destroying' tax. Of course we know the reality, and the reality is very, very different. This is a tax that is justified, is fair and is reasonable, and the Australian public know that. They know that they have to share the benefits of the resources boom. They do know that we have to have a system that ensures that we are able to build a future with confidence, and that we have to have measures in place so that the ordinary people of this country do get the benefits of the enormous wealth that this country produces.

The alternative is very straightforward, of course. The alternative is that, essentially, you want to increase the taxes and the charges for those who are least able to afford it. What you are prepared to do is to say that
you will cut back on school kids' bonuses and you will cut back on superannuation reforms that benefit working people across this country. You will go down in history as amongst the greatest wreckers.

And you are not interested in building. This is a country that aspires to something much, much better. This is a country that aspires to genuine progress. This is a country that has a right to aspire to those things, and this is a country that will not get any answers from those opposite on these matters. We know that those opposite are really in the business of ensuring that those least able to afford it will pay the highest. And those with vested interests, who are already very wealthy, will get the benefits of your support. That is the real nature of this debate. You are in the business of defending the millionaires and taking from the poorest in this country—of cutting social security benefits, of making people on low incomes pay more tax and reducing the benefits that come to their social wage through the education system and the health system. You are in the business of undermining the infrastructure of this country and destroying the prosperity of this nation; that is quite clear as a result of your approach to these issues.

How else? How else will you be able to fund the $70 billion-black hole that is now being created in terms of your own arrangements? We know that those who are on low incomes, those who are, of course, entitled to the support of the taxation system, will be right in the firing line—right in the firing line under a conservative government. What we do know is that Tony Abbott has not changed his spots one bit because the previous arrangements—

The DEPUTY PRESIDENT: Mr Tony Abbott, Senator Carr.

Senator KIM CARR: Thank you Mr Deputy President. What we do know is that when it comes to the question of policy differences in this country, nothing could be starker. Nothing could be starker! You are on the side of the wealthy and the powerful. You want to use the state to undermine the opportunities that will ensure that the benefits are spread for the poorest and the weakest in this country. You want to reimpose that $18,000-arrangement whereby people who earn less than that will now be paying tax under a coalition government.

We know that hard-working Australians are in the firing line under Mr Tony Abbott’s government, and this is a position that we will strongly argue against to ensure it does not happen.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (16:05): I always wonder why people get up to speak for the last 50 seconds when they have said nothing else in the previous 19 minutes and 10 seconds before it.

But anyhow, the MRRT has always been a mystery. Was that, 'Marius' and Rio's rort tax'? Or was it the, 'must-remove-Rudd tax'? What exactly was it? How did we come to this position? This was what brought about the removal of Mr Rudd with the replacement by Ms Gillard. It was all there.

I remember the time and I remember the person, but, I can never quite remember him being elected to parliament—Paul Howes. He is not a member of parliament so what do I call him? I suppose 'Howesy'—I do not know what you call him. Mate? My mate? When 'the mate' turned up; he has never actually gone to that table and sworn an oath. He has never actually held the Bible or the Constitution in his hand. He is not actually accountable to the parliament. The Australian people have never voted for him, but somehow at the time of this mining
resource rent tax—I am trying to get it right—he was instrumental in changing the makeup of our nation.

It has always perplexed me how people manage to do that when they are never actually elected to parliament. But he is back again, by the way; he is back again! The other day we heard that he has 'got her back'. I do not know if he has 'got her back' like she was lost and she has come back—he lost her down the park somewhere and he has got her back. Anyway, he has 'got her back', which means once more he is instructing the way the parliament works.

So that is Mr Paul Howes—never elected to this parliament. I must admit a man who likes to run with the fox and hunt with the hounds is Mr Paul Howes.

This is really a test on so many levels. This motion today is also going to test the Australian Greens, who in the previous week said, 'This is it. It's over. The marriage is over. We're out of the house.' Well, now it is: 'Hang on, we're back today.' They are actually supporting them. Senator Collins came down here to talk to them and Senator Conroy came down here to talk to them. And today they are going to support the Labor Party in keeping the whole thing that they said they were upset about. They will not support this motion.

I always find it fascinating when I go back and grab some of the things that Senator Milne has said. She said this at the press conference:

Labor refuses point blank to fix the loopholes in their dud of a mining tax that has only raised $126 million of a supposed $2 billion …

How true—a Daniel come to judgement! How true that is. She said it is forgoing the revenue needed for key reforms, including implementing Gonski—and you believe in Gonski, don't you?; the National Disability Insurance Scheme—now that is something that is worthwhile; Denticare; and building high-speed rail—though and I do not know about that. All those promises, by the way, add up to $365 billion over the next 10 years. They are a very rational party, the Greens! The way they were going to pay for that $365 billion was apparently out of the mining tax, but the mining tax is a dud—and today we have a motion saying that the mining tax is a dud. If this motion is passed, the government will not fail, the government will not fall over and the government will go on. So it is really just a question about the Greens: are they fair dinkum or are they hypocrites?

Senator Jacinta Collins interjecting—

Senator JOYCE: If something goes wrong, Senator Collins, you know that you should wander down here and reorganise the marriage. You have been doing that today, and others have been reorganising the marriage today. It is going to be fascinating to see if they renew their vows today for a whole new sunny outland of matrimonial bliss for the Greens and Labor—who have only been separated for a week but are back into it. So congratulations and I would like to thank you on behalf of all of us for getting the marriage back together again!

Senator Brandis: It's like a game show.

Senator JOYCE: Every time you think they are out of the house they are back in it again—'It's great; we've just been voted back into the house.' We go through this complete and utter anarchy which is this tax. Initially they had the RSPT, Kevin Rudd's mining tax, and they thought that that tax was so good and such a ripper that it was actually going to earn more than Mr Rudd's tax in the first year. Probably one of the things they said in that meeting with Mr Paul Howes—the person who is the unelected Prime Minister of Australia—when they were trying to work out why they should remove
Mr Rudd was that they had come up with a better tax that was going to earn more money. The problem is that it did not—thus we are here today.

When we go through this economic work of art which is the minerals resource rent tax we see they had their base value back on 1 May 2010, if my memory serves me correctly, and then we had the market value and they would depreciate the asset from that point in time. But, pray tell, wasn't that at the end of the so-called global financial crisis that they tell us about all the time? Could it be that this asset at the end of the global financial crisis was valued so high that the depreciation of it has meant they have never earned any money from the tax? What happened to that global financial crisis? Where did it go? So quickly did it disappear. But they had as their base value the value at the end of the crisis that they kept on telling us about. Because the crisis never existed, the market value was so high that, on the depreciation of this market base value, they have never actually really been paid any money.

So all this confusion goes on. But now we have the crux of it. In this boiling cauldron of confusion, we now have the person who was deposed because of the mining tax, Mr Kevin Rudd, the member for Griffith, out there as 'Pop-Up Kevin' and every time something is on up pops the member for Griffith. I think the reason he is popping up everywhere is that he wants his job back.

Opposition senators: No!

Senator JOYCE: I think he wants his job back. I do. I was even more confirmed as to that idea today when I saw a brilliant interview by a senator from New South Wales.

Senator Cash: Name him!

Senator JOYCE: Senator Douglas Cameron. Douglas Cameron gave a rip snorter of an interview. They asked Douglas Cameron—

The DEPUTY PRESIDENT: Order! Senator Joyce, refer to Senator Cameron as 'Senator Cameron'.

Senator JOYCE: Sorry; Senator Douglas Cameron—as his mother used to call him for dinner every night. They asked Senator Douglas Cameron, 'Do you think the momentum is coming back for Kevin?' and Senator Douglas Cameron's reply was, 'I don't know.' But, Senator Douglas Cameron, I think you do know. I think you are counting them—'One, two, three, four, five; we're getting close.' I think you do know. I think they are counting. Then it will be Senator the Hon. Douglas Cameron, because what will happen is that he will come to the front while Senator Stephen Conroy goes right to the back. He will almost go out of the building, because he said some very nasty things about Mr Rudd. So Senator Stephen Conroy will go back and Senator Douglas Cameron will come forward. I do not know where you will go, Senator Jacinta Collins. Just keep your head down and be nice and quiet and hope it all passes over.

This is how the country is being run at the moment. There is complete and utter mass confusion. If we look at Senator Stephen Conroy, who is at the table, we are about to see a big smile. He is covering up with his hand because he does not want us to see that he knows this is true. Yes, here it comes. He can see it coming. Senator Stephen Conroy is ringing up his good wife saying, 'How much do we owe on the house and how far ahead are we on the mortgage because I think I'm about to suffer a serious pay cut?'

Senator Abetz: 'And I hope we have enough saved up for broadband.'

Senator JOYCE: How sweet! So what of the people who signed off on this brilliant piece of work? There were three very clever
people in the room and three other people. I will give you a hint. The three very clever people was a bloke called Marius Kloppers—he was the head of BHP Billiton—a bloke called David Peever, who is head of Rio Tinto, and a bloke called Peter Freyberg, from Xstrata Coal. They were the clever people. Then there were three other people in the room. We will not give it away totally; we will just say that their first names were Julia, Wayne and Martin. And what happened?

These three people came in and said, 'Oh, you are trying to design a tax—just hand it to us, we will design it for you.' They gave Julia, Wayne and Martin some crayons and told them to go outside and draw some pictures of flowers, or whatever, and when they came back they were told, 'Here is your tax; that will work—for us!' And we got the tax.

The one thing the Greens have got right is that they said it was a dud of a tax—and it is. But it is not a dud for Marius—it is a brilliant tax for Marius—and it is not a dud for David Peever from Rio Tinto; he thought it was a great tax. He thought it was one of the best pieces of work he had ever done. Marius had never had a better day in the office than the day he had in Julia Gillard's office. It was the best day in an office Marius had had in his life. How do you get your company out of billions of dollars of tax? You go for a cup of tea with the Prime Minister of Australia, Ms Gillard, and you will never have to pay a cent. They said that, no matter what, they would have a tax—and they got the 'no matter what' tax. It would all be hilarious except that they are running the country.

Right back to 2010 the Labor Party has been spending the money. They spent $480 million on one road around Perth—the Perth ring road. It was going to be financed by the tax. It was a regional road, by the way. Whenever they are in a corner and they are trying to get something, they put 'regional' in front of it—like the regional parliament house, the regional opera house or the regional Sydney Harbour Bridge. This was the regional ring road around Perth airport. So $480 million was to come from the mining tax for that. But the mining tax has only brought in $126 million, so there is a problem. Where do they get the money from? They borrow it. Now they are up to $262 billion in gross debt. They have crashed through the $75 billion limit, they have crashed through the $200 billion limit and they have gone through the quarter of a trillion dollar limit and now we are on our way to the $300 billion limit—all because the mining tax is a dud. But don't worry, because today the Greens will vote for the tax—they will vote for it again. Yesterday they said they did not like it but today they will vote for it. It all makes complete sense—and they are running the country; we should all remember that.

What else have we spent this mining tax on? Apparently we are going to do the Gateway upgrade with the mining tax, and the Blacksoil Interchange. There are so many things we are going to do with the mining tax. It will be interesting to see how we do them. I remember Minister Crean telling us in an interview on ABC Darwin with Julia Christensen, though he could have said it to someone else:

But for regional Australia as a whole Julia there is significant new resources available. Obviously there's the money from the mining tax …

So it is obvious—we can do these things with the money from the mining tax. The problem is, there is no money from the mining tax. There is just a massive hole and a big growing debt and a really stupid look on the face of the Treasurer and a very awkward Prime Minister and a Leader of the
Government in the Senate with a funny little smile on his face—and a very nervous man he is too—and a very happy looking Senator Douglas Cameron. And there is massive confusion.

I know I am only a little old bush accountant, but I kind of like the details. On 1 May 2010, when the mining tax came in, the price of coal was about $100 a tonne; it is now $93. The price of iron ore was around $161 a tonne; it is now about $150. The global financial crisis was almost up there with them trying to cool the planet, and they were curing us of it with ceiling insulation and $900 cheques and school halls. That was how they were going to reboot the global economy. But isn't it funny that the prices of these commodities were higher then than they are now? Surely in the middle of a crisis the prices would be low, but the prices were high. How could that be? Where did that crisis go? Where is that crisis when you need it? What happened to that crisis? We seem to be in more of a crisis now than we were back at the time of the crisis. It is rather unusual.

The crisis now is worse than it was then—but, apparently, we are not in a crisis now; now we are just in a state of complete and utter anarchy.

The people who knew this included Marius Kloppers, for a start. There is that famous quote by Kerry Packer about Alan Bond. He said, 'Alan Bond turns up once in your life, and when he turns up you just have to make the most of him.' I think that was ringing loud in Marius's ears when he went in to see the Prime Minister. He said to himself, 'This lady turns up once in your life, and when she turns up you just have to make the most of it.' And they did. I would love to have been a fly on the wall as they left. They would have said, 'Let's go down the boozer and have a couple of pots and talk about what just happened then; let's talk about how much we ripped off the Australian Treasury; let's talk about how we just left them in the aisles.' They must have walked out the door and said, 'You must have gone to mass last week—how did we manage to get out of that? It was so simple.' But now we are stuck with it.

My old audit boss, Philip Charles Travers Maltby, would look at these ridiculous scenarios that people would get themselves into and would sit there quietly in the smoko room and talk about how someone got themselves into this invidious financial position, and he would say that if you did not laugh you would cry. They are the only options you have. It is like that now with this client, called the Australian Labor Party. If you do not laugh, you cry—it is just so pathetic. It is a tragedy, it is a travesty, it is a joke, it is ridiculous and it cannot go on like this.

Senator Thorp interjecting—

Senator JOYCE: Honestly, Senator Thorp, when you are ahead you should just be quiet. Now you have said something and I am going to quote you. In the midst of all this, when I talk about a surplus, Senator Thorp says it does not matter. That is the attitude that obviously permeates the Labor caucus—it does not matter if you cannot pay back your debts; it does not matter if you are hocked up to the eyeballs; it does not matter if you max out your credit card; it does not matter if you are going out the back door. It just does not matter. You just borrow more money. You go out and find people who will lend you more money and you borrow more money off them.

This cannot go on. This country cannot go on like this. This has to come to a conclusion. It is absolutely outrageous. Our nation cannot go on like this. It is hopeless; it is ridiculous. I say to Mr Kevin Rudd, the member for Griffith, 'If you are fair dinkum, stand up and do something for goodness...
sake; do not let it go on like this.’ Or I say to Martin Ferguson, 'If you think you have got it, do something.’ Somebody do something, because we cannot go on like this.

In the midst of this, in a few moments you are going to see one of the greatest corraling of hypocrites in the world as they stand up and vote for the tax that they, a week ago, said they were splitting the sheets over. It is just so absurd. It is just so patently absurd. It makes a farce of everything and it treats the whole of the Australian people like fools—as though they do not know what is going on. They do know what is going on. They have read this book; it is a horror story. Unfortunately, it is a horror story which we are all in.

In conclusion, the mining tax is just a manifestation of this government. It was a farce; it was premised, basically, on a lie. It was bred from the destruction of a prime minister who was voted in by the Australian people. It was manipulated by people who were, obviously, completely and utterly shrewder than those leading our government. It was done in dark corners; they did not even allow the proper Treasury representatives in to try and make sure the thing worked. Now it is going to have the imprimatur re-endorsed by the Australian Greens in a moment from now when they once more vote for the thing that they said was the biggest problem they had.

Senator DI NATALE (Victoria) (16:24): Sometimes, I think about what people think of this place and what people in the gallery and those of us who occasionally listen to this place on broadcast make of all of it. After that last contribution, a contribution that treated the chamber with complete contempt and disrespect—

Opposition senators: Where is your tie?

Senator DI NATALE: Completely contemptible. And now I am getting fashion tips from Giorgio Armani over there. The fact is we have a very serious motion before this chamber and it warrants being treated with some respect.

A few weeks ago, I was at a public meeting in a place called Colac. For those of you who do not know, Colac is a place in south-west Victoria. It is a place that is largely a rural community with a manufacturing industry and dairy farmers—people who are struggling to get on in life. I attended the meeting because the meeting dealt with the overnight closure of the emergency department. Colac Hospital services that regional community; it provides important services to those people. It has an emergency department staffed by number of dedicated GPs.

The reason a thousand people met on one night in Colac was because they were distraught about the thought of the closure of the emergency department in Colac. The reason the emergency department was closed overnight was that midway through the financial year, this federal government ripped $100 million out of the health system in Victoria. It was part of a broader cut—$1.5 billion over four years. The cut comes on the back of chronic underinvestment by the conservative state government in Victoria, but there is no way of sugar coating the cut by the Commonwealth government. It was a huge kick in the guts to the people of Colac. The reason that people met was because kids with asthma in their communities need somewhere to go overnight, farm workers who might suffer an injury need to be able to access that emergency department and an older person who might be suffering from chronic disease, like high blood pressure and ischaemic heart disease, needs to know that they have somewhere they can go.
Why is the closure of that emergency department relevant to this debate? It is relevant because several years ago a tax was proposed by the then head of Treasury, Ken Henry: a good tax, a tax that was essentially a tax on super profits from mining companies. It was a tax that would only be paid when super profits were made. It was a tax on mineral resources that were exploited by the mining industry, for good reason, but belonged to all of us; resources that are non-renewable—they will not be there forever. A tax that, on every level, economically, in terms of equity and in terms of meeting our sustainability challenge, made sense.

Had we had that tax, this government would not be facing the financial pressures it currently faces and would not have had to have taken that money out of Victoria's public health system or, in fact, out of hospitals right around the country. The tax that was proposed by Treasury and then put forward by the former prime minister, Mr Kevin Rudd, was a good tax, but we do not have in place because, ultimately, what we saw was a government cave into an aggressive, shameless, blatant campaign by the mining interests, who essentially got together with government representatives to stitch up a deal so that they did not face a campaign from that industry. It was one of the great missed opportunities of this parliament and the previous parliament.

What is the cost of not doing it? We heard about Newstart. We have now got more money raised by taking funds from single mothers than we have raised through the mining tax. We cannot commit to raising Newstart so that people currently living in poverty are not faced with the decision of whether they can afford to buy a loaf of bread or a carton of milk or whether they have to get their public transport ticket so that they can try to attend a job interview.

We have got the great education challenge confronting the nation. We have got the Gonski reforms—reforms that are absolutely critical—and we have no means of funding them. And of course we have got the National Disability Insurance Scheme, a scheme that is long overdue and welcomed by all parties, and yet not one of them, the government or the opposition, has any explicit ideas on how disability insurance will be funded.

We have got the issue of Denticare. We have a situation in this country where people do not go to the dentist because they cannot afford it. I am proud that through the term of this parliament the Greens did get progress on Denticare. For the first time we have a situation where young kids will be able to go to the dentist in the same way they go to the doctor, handing over their Medicare card and getting treated. That is a good thing. We have got a big investment in public dental care and for rural and regional dentistry, but we need more. We need to make sure that we address the wrong that was done when Medicare was first introduced, so that we give everybody access to dental care and ensure that it is universal and that the size of your wallet does not impact on your ability to go to the dentist.

On that point I heard Minister Albanese talking about the Greens as 'parasites' for claiming achievements that were rightfully Labor achievements. He needs a history lesson here. The government tried twice to close the Chronic Disease Dental Scheme without putting anything in its place, and it was the Greens that dragged the Labor Party to the table to ensure that we had a replacement that was going to meet the needs of low-income people and young children. So we do claim that as a Greens achievement, and rightfully so. Without the Greens, the Chronic Disease Dental Scheme
would have been closed and we would have nothing in its place.

Mr Albanese also needs a history lesson when it comes to the introduction of action on climate change. This government took to the election a plan for a climate assembly, a citizens assembly. There was no action, and it was the Greens that made sure that we put this country on a footing to address what is one of the great economic, environmental and social challenges of this century. We achieved that through negotiations with the government and the Independents, and what we now have for the first time is a price on pollution. We have got a massive investment in biodiversity funds and we have also got a raised tax-free threshold so that we can encourage people into work. They are good things. They are Greens achievements in this parliament.

But we need more. We need to make sure that everybody in this country can go to the dentist in the same way that they go to the doctor. We need universal dental care. We need to address the issue of rising out-of-pocket costs for medicines. We need to do more in the area of preventative health. We have to make sure that our public hospital systems are once again the first choice for people, not the last choice. Private health insurance in this country must be a choice and not a necessity. It is now the Greens that are the party of universal health care and universal education.

I heard the Prime Minister recently talking about her party not being a social democratic party. Well, the Greens are proud to take on that mantle. We do believe in the provision of education, health care, disability insurance and ensuring that people's needs are met if they are unemployed. They are core Greens policies.

But this motion is a motion of no confidence in the government. The Greens, like the Australian community, face a diabolical choice. We have got a government that has lost its way and we have an abysmal opposition, an opposition whose policy on the important action we took on climate change is to create uncertainty in the investment community and through some magical soil sequestration program to achieve the same target they criticise the government for. They signed onto the target and yet they want to pay polluters and tax the community—an economically irrational, environmentally scandalous set of policy responses. I would respect the opposition more if they listened to those elements within their own party and were honest about it and did not try to continue with this charade of pretending to have a policy that represents action on climate change when it does nothing of the sort.

It is just like their position on coal seam gas. Senator Joyce could not face a vote on that issue because he knows that his constituents are concerned about the impact of coal seam gas in his community on underground aquifers, the environment, and the fact that somebody can come and knock on your door and say, 'We are going to put in a coal seam gas well and you can do nothing about it.'

I am worried about the opposition's policies on health. They are going to abolish the National Preventative Health Agency and Medicare Locals, important reforms that do something towards addressing the issue of prevention and primary health care. On education they are going to continue with the inequitable funding model introduced by the Howard government and, with the election of an opposition government, I fear that the Gonski reforms will be dead before they have even begun.

On Newstart, they will not commit to ensuring that people facing those terrible
choices will be given some comfort through a small increase that gets them somewhere near the poverty line rather than a long way beneath it. They have made some extravagant promises—on paid parental leave, for example. Of course, the question is: how are they going to pay for it?

This is an opposition that expect to sail into government with no scrutiny, with no one pushing them on the revenue that it is necessary to raise in order to pay for some of these promises. The bottom line is that the Greens will do nothing to help this opposition coast into government. We will do nothing that will ensure that a backwards-looking, nasty, regressive opposition, with a 1950s view of what Australia should look like, becomes the next government of Australia. That is why we will not be supporting a motion of no confidence in the government.

In the end, government is about priorities. We need to decide what sort of society we want. Do we want to be a decent, caring, more compassionate society? Do we want a society where everybody, regardless of the circumstances into which they are born, gets a decent education, not just those who can afford it? Do we want a society where people can access life-saving medicines, have elective surgery done and not languish for hours in emergency departments, regardless of their ability to pay? Do we want a situation where people can marry regardless of their sexual orientation? Do we want a society where people who are seeking protection in this country because they face the very real threat of prosecution are granted that protection when they are deserving of it? And do we want a society that is prepared to meet the great challenge of sustainability, of ensuring our economy is on a sustainable footing going into this century?

That is the great challenge for our economy. And the mining tax was an opportunity to do just that, to ensure that we do not squander the benefits of the mining boom as we squandered the last decades under the coalition government, with very little to show for it apart from handouts and pork-barrelling, rather than ensuring that we meet the challenge of this century, which is to transform our economy so it is on a more sustainable footing and to provide the services—education, health care and a national disability insurance scheme—for those who need them. That is why the mining tax represents one of the great missed opportunities of this parliament. It was a tax that, when it comes to equity, was to ensure that we get a fair share from the resources that belong to all of us. It was a tax that, when it comes to transforming our revenue base, would tax resources that will not be there forever, that will be gone, so as to ensure that not just this generation of Australians but also future generations will benefit, because it is their wealth that we are squandering along with ours.

We are faced with some huge challenges in this country: an ageing population and the impact of the health burden on our community, the shift in chronic diseases, the fact that our PBS system needs to provide decent medicines at low cost. How on earth are you going to meet those challenges if you are not prepared to raise the revenue? How are you going to meet the challenge of making sure that every child in this country gets access to a decent education and that we do not slip further down the rankings through our performance as a nation on a range of benchmarks?

We are not meeting the challenges because we have neither a government nor an opposition that is prepared to stand up to vested interests, to take them on and to say, 'This is the sort of society we want: a society
that is decent, that is caring, that is compassionate, that recognises that the role of government is to provide those things for people.’ Instead, we have a government that caved in to those interests, just like it did when it came to poker machine reform and just like it has done in a number of other areas. And we have an opposition who will not even take up the challenges because they are too close to the big end of town. What we need to do is to recognise what a modern, decent, forward-looking Australia looks like. We have got to make sure we do not miss this opportunity. We do need to amend the mining tax. We have to make sure that we use this once-in-a-lifetime opportunity to meet the challenges of the 21st century.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (16:43): Listeners could be forgiven for thinking that the motion before the Senate deals with every single area of public policy other than the handling of the mining tax. Let us go straight to the point with the deception of the Australian Greens contribution. The motion before the Senate is not a motion of no confidence in the government. It is a no-confidence motion in the handling of the mining tax—a specific issue that Senator Milne herself announced at the National Press Club as the reason for ripping up the agreement with the ALP. We have given the Australian Greens the opportunity to show their colours, to show whether they actually meant it.

We now know what the Greens will do. They misrepresent the motion and by misrepresenting the motion they give themselves an excuse not to vote for it. The Australian people will see through that. They will see through the faux foot-stomping of Senator Milne at the National Press Club by the vote of the Australian Greens today. The motion before us is not about curing asthma or anything else. It is about the mishandling of the mining tax—an issue that Senator Milne addressed at length at the National Press Club.

Today she and her fellow Greens will have the opportunity to vote on whether or not she has and the Greens have confidence in the way the government handled the mining tax. By their vote they will show that Senator Milne on the national stage at the National Press Club will say one thing and do the exact opposite in this chamber. That should not surprise, because when they signed the deal with the Australian government, with the Australian Labor Party, they promised a new era of consultation, a new era when the parliament would be respected. What have they done: 150 times they have joined with the ALP to guillotine legislation through this chamber. When the coalition did it when it had a majority in the Senate, like the Greens and Labor do now, we did it on 30 occasions. It was an affront to democracy, it was an outrage, and that is why the Greens had to be given the balance of power in the Senate. Well, they were given it, and what have they done with it: guillotine five times as many bills through this place than the Howard government did. The Australian people now know that the safest place to put the Australian Senate is in the hands of the coalition, because the Greens cannot be trusted. They, along with the ALP, are the big guillotiners in this place.

Let us be quite clear as to the ALP’s approach and go through them speaker by speaker. When you have no capacity to defend, what does Senator Wong do: she descends to abuse, personal abuse, vilifying individuals. It is the old hoary ALP tactic, isn’t it? If you do not have anything to run with, just attack. That is what they are doing to Mr Abbott relentlessly, attacking and attacking him. Why? Because they have got no policies to sell, no record to sell to the
Australian people. Let us be absolutely clear on this. The ALP's crisis management 101 agenda is attack—attack personally, attack often and avoid the topic. That is what Senator Wong did for virtually all her 20 minutes. And Senator Kim Carr, well, why would you even bother?

But then we have Senator Milne and Senator Di Natale from the Australian Greens misrepresenting the motion. In fairness, I think they are intelligent people. I am sure they are not in need of the Prime Minister's reading lessons but they might like to avail themselves of that facility. If they were actually to read the motion that is before the Senate, they would know that it is not a vote of no confidence in the government full stop; it is a vote of no confidence in the government's handling of the mining tax. So you cannot pretend that you hate the way this was done, that it was a secret deal with big miners, but then not vote for it.

I am not sure if the Greens actually moved their amendment to the motion. I understand they have. This is it: to get rid of the no-confidence motion and put in its place:

The Senate condemns the Government's failure to put in place a mining tax which raises sufficient revenue from—

this is a clearly defined economic term that everybody will know—

the big miners—

Who are they? Enumerate them. How big do you have to be to be a big miner? As big as Clive Palmer? Sorry, that was a personal comment. Do you have to be personally big, does your company have to be big or does your mine have to be big? What is the definition of a big miner? It continues, and this is a doozy:

to fund Australia's long-term needs.

There is one thing about the mining tax that we always said, that mining goes in booms and regrettably also in busts. Therefore you cannot rely on an ongoing basis on the funding from such a tax. Indeed, in its previous manifestation it was called a super profits tax. Do those opposite honestly believe that the mining industry will continually be in a position of super profit making? Of course not. It has never happened in history; it is very unlikely to happen in the future, especially not under this government. So how can you predicate all this expenditure on it? Senator Di Natale gave us a great speech about how it could help asthmatics, people with heart issues, help education, help all sorts of areas. These are all worthy causes, but what happens when the mining boom, as it inevitably will do, turns into decline and bust? Where is the money going to come from? The Greens have no answer, the ALP have no answer, and that is why we at all times were indicating the terrible flaw in the system of the mining tax.

It was the Greens that rushed with the ALP to guillotine this legislation through the place. They knew so well. They were not offended by Ms Gillard and Mr Swan doing a secret deal with the three CEOs of Australia's larger mining companies. But it is interesting, isn't it? Just think if we as a coalition would have sat down in secret doing a deal with mining companies on the taxation regime. It would be the end of democracy as we know it, with the need for the Greens to move a motion of no confidence in the government full stop, not only on the handling of the mining tax. It would be indicative of everything that pervades the coalition. But when their mates the Labor Party do it, not a squeak out of the Australian Greens. Today, despite their attempt to grossly misrepresent the motion that is before us, the Australian people will be a wake-up that Senator Milne just engaged in a little bit of faux foot-stomping
at the National Press Club and did not mean what she said.

She did not say what she meant, because at all times she will keep this government on life support, irrespective of how bad its policymaking is, irrespective of how bad its policies actually are.

Today, having spent so much time at the National Press Club, Senator Milne has the opportunity of voting for a very simple motion which says that this Senate has no confidence in the government's handling of the mining tax. We on this side have no doubt that Joel Fitzgibbon, the Chief Government Whip, has no confidence in the government's handling of the mining tax. There is no doubt that the leader of the Labor Party in Western Australia has no confidence in the Labor government's handling of the mining tax. We, as a coalition, agree with them, and we would invite the Greens to join with us on that basis.

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

Question negatived.

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

The Senate divided. [16:57]

(The President—Senator Hogg)

Ayes.....................31
Noes......................36
Majority..............5

AYES

Abetz, E
Bernardi, C
Boswell, RLD
Brandis, GH
Cash, MC

AYES

Edwards, S
Fawcett, DJ
Fifield, MP
Joyce, B
Madigan, HJ
McKenzie, B
Parry, S
Ronaldson, M
Ryan, SM
Sinodinos, A
Williams, JR (teller)

NOES

Bilyk, CL
Brown, CL
Carr, KJ
Conroy, SM
Evans, C
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS

Bishop, TM
Cameron, DN
Collins, JMA
Di Natale, R
Farrell, D
Feeney, D
Gallacher, AM
Hogg, JJ
Landy, KA
McEwen, A (teller)
Milne, C
Polley, H
Rhiannon, L
Singh, LM
Sterle, G
Thorp, LE
Waters, LJ
Wright, PL

PAIRS

Cormann, M
Heffernan, W
Johnston, D
Kroger, H

(Heffernan, W)

Wong, P
Carr, RJ
Crossin, P
Ludwig, JW

Question negatived.

Senator Siewert: Mr President, would you please ensure that the Greens vote for our amendment is recorded in Hansard.

The PRESIDENT: That will be recorded.
COMMITTEES
Rural and Regional Affairs and Transport References Committee
Meeting
Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (17:01): by leave—I move:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold an in camera hearing during the sitting of the Senate on Monday, 25 February 2013, from 4pm, to take evidence for the committee’s inquiry into an aviation accident investigation.

Question agreed to.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Minerals Resource Rent Tax
Senator RONALDSON (Victoria) (17:02): I move:

That the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by Senators Brandis and Sinodinos today relating to the Minerals Resource Rent Tax.

It seems some time ago that those questions were asked. I want to make a couple of comments about what we heard today. We had Senator Conroy, who squibbed it; Senator Wong, who was squawking; we had the Greens, who again have taken it upon—

Senator Carol Brown: Madam Acting Deputy President, I rise on a point of order. I ask you to draw the senator's attention to the question before the chair which is taking note of answers given during question time, not other matters.

The ACTING DEPUTY PRESIDENT (Senator McKenzie): There is no point of order.

Senator RONALDSON: The Labor Party are obviously very touchy at the moment because the Labor Party know full well where they are positioned. At the moment, the Australian people are sick and tired of the self-indulgent behaviour coming from the Australian Labor Party. Talk about revolving doors and prime ministers. The only job those opposite and those in the other place are concerned about is their own job. They have completely lost the focus of government. Their behaviour is irresponsible. The challenges are enormous, but what do we hear day in and day out? We get leaked views from cabinet ministers and we get people in the Australian Labor Party briefing against each other. And it is all about one job—that is, who the Australian Labor Party want as Prime Minister.

The mining tax is a classic example of why this government has completely and utterly lost the plot, but it is not just the mining tax. A litany of bad decisions by bad government ultimately is going to require at least two generations of future Australians to pay off this massive debt. We heard the extraordinary intervention from Senator Thorp today when Senator Brandis was talking about the fact that Labor governments cannot deliver a surplus. The direct quote from Senator Thorp is, 'So what?' That was Senator Thorp's response to the wanton destruction of this economy by both the Rudd and Gillard Labor governments. It is quite remarkable that the budget papers still talk about $2 billion to be raised by the mining tax. We now know that only $120-odd million has been raised. The only outcome of that is that the commitments made by the Labor government can only be met by borrowing. That is the only outcome of its appalling mismanagement of this economy.

Everywhere I go, at every function, at every community event, the one question I am continually asked is, 'When will these people be thrown out?' I do not know the
answer to that question. I do not know whether they will be thrown out. What I do know is that the Australian people are heartily sick and tired of what they are seeing at the moment. As I said before, a political party that starts talking about itself to the extent that the Australian Labor Party are talking about themselves at the moment has abrogated their responsibilities as a government. They have denied themselves the right to govern. They have denied the Australian people being led by a government which, at the end of the day, are concerned about their welfare, about whether they have a roof over the head, about whether they have a job, about ensuring that people will at least have some confidence that their job is secure. None of that is occurring at the moment.

How can it be that when an enormous number of Australians are concerned about their jobs and the cost of living, and are concerned about illegal arrivals— (Time expired)

Senator MARSHALL (Victoria) (17:07): It seems to be very coincidental, but I often get to speak straight after Senator Ronaldson. Senator Ronaldson: You do it on purpose.

Senator MARSHALL: It is not on purpose actually, but it is always fun, because Senator Ronaldson likes to be very dramatic in his presentation, and he is saying that he has other commitments outside the chamber, and that is fair enough. Here we are after five o'clock taking note of answers to questions on notice, but he should have paid some attention to his leader's contribution in the last debate that we had, and I note that you have ruled, Acting Deputy President McKenzie, that we are able to talk about that last debate in this session.

Senator Abetz chastised the government for making personal attacks. I think he was getting confused between Senator Wong and Senator Brandis, because it was actually Senator Brandis who indulged himself in some of the most personal attacks that I have heard here, and Senator Ronaldson continued to carry on like that. That just demonstrates to everybody who might have been listening to the last couple of hours the double standards that are constantly applied by the opposition in all matters of debate. They criticise the government for doing one thing and then do it themselves. They have no standard nor benchmark on which to measure themselves.

The debate we have just had was another classic example of this. We are debating a tax which the opposition do not want. They do not want it to raise a single cent because they did not want the tax at all in the first place. But they come in here and complain that it has not raised enough. They cannot have it both ways. It is just another of the many examples of the double standards applied by the opposition not only to this issue but also to every other issue across the board. They simply want to be negative about it but have that double standard. So which is it? Does the opposition say it raises too much tax or not enough tax? They do not seem to know. They seem to be quite divided on this point. They make impassioned arguments and complain about the tax not raising enough money, then very clearly say, 'We don't want it to raise any money.'

In fact, if we go back some time there were some of the most outrageous statements made by people—in fact, by the Leader of the Opposition. Do coalition members recall Mr Abbott blaming BHP's decision to put their Olympic Dam project on hold on the mining tax? That is what he said, 'Based on the mining tax,' because of the amount of money they thought was going to be raised by the mining tax. The head of BHP said at the time that that was not true and clearly it
is not true now. But do you hear them complaining about that? No, because they are still conflicted about whether they want it to raise more or to raise less.

Clearly, the minerals resource rent tax has been raising revenue, although it has been impacted by a big drop in revenues, particularly in the third quarter of this year. As commodity prices have started to pick up, we have seen an increase in the amount of revenue being raised by this tax. This brings the coalition to the problem they have most, because they do not believe that these resources belong to the Australian people for the ultimate benefit of the Australian people. What they believe is that these resources belong to their friends: the mining magnates and the people they support and kowtow to. They believe it belongs to them and that the Australian public ought not to get the benefit of the resources that can only be dug up once and can only be sold once. They believe that they should take all the profit and that the Australian community should not get their fair share. We on this side of the chamber believe not only that the Australian community should get their fair share but also that they deserve their fair share. When we have gone through a boom—as it has been and as will come again; it will go in cycles and the booms will come and go—and when the high profits are there, a share of those profits should be distributed amongst the Australian people. They are their resources and they should be spent on building infrastructure, reforms and for the benefit of the Australian people. That is what we want to do. We on this side of the chamber believe in a fair go for the Australian people and a fair sharing of the resources that we own as a community on behalf of all Australians.

Senator SMITH (Western Australia) (17:12): It gives me great privilege to take note of answers given by Senator Conroy today in regard to the debate we have had about the minerals resource rent tax. I think it is fair to say that this is a government that is losing the will to live but has not yet lost the will to tax, even if that tax achieves little in revenue. The coalition opposes Labor’s mining tax because it is bad for jobs and bad for Australia. If the Labor Party were the party of equity and fairness, then it would ask its faceless men to roll Julia Gillard and Wayne Swan in the same way that they rolled Kevin Rudd. But Labor is not a party of equity—

Senator Carol Brown: Acting Deputy President, I rise on a point of order to remind the senator to use the proper titles when he is referring to members in the other House.

The ACTING DEPUTY PRESIDENT (Senator McKenzie): Senator Smith, it is Prime Minister Gillard.

Senator SMITH: Thank you Acting Deputy President and thank you Senator Brown for your timely intervention. What is important here is that the coalition position is not changing. We are unequivocally opposed to the mining tax and we will abolish it in government. It is good for Western Australia to abandon the mining tax, and what we know, in the current state of our economy, is that what is good for Western Australia is good for Australia.

In the debate today at question time we heard the government leader say that the tax was important for long-term reform. The government kept telling Australians that they would share the benefits of the boom through their historic reform of the mining tax. This historic reform has so far raised only a fraction of the money promised in the budget.

Labor is right on only one point—that the coalition will most definitely repeal the tax. Even the Reserve Bank has recognised that sharing the benefits of the boom occurs
through jobs, through company tax and through royalties. The RBA, as we have heard today, found that soaring resource exports over the past seven years have created about 500,000 jobs across every major industry.

Not only is Labor dysfunctional and incompetent; it is divided and confused over its own position. Earlier this month, on 15 February, the Minister for Regional Australia, Regional Development and Local Government, Simon Crean, said:

In the meantime we're seeking to address the design flaw in—well, we're seeking to actually now change the design—of the mining tax. Only days earlier, Prime Minister Gillard had told the parliament:

... the government has no plans to change the design of the MRRT.

Labor cannot be trusted on this tax nor on any other plans to tax the Australian community. In giving evidence at Senate estimates on 14 February, the Secretary of the Treasury, Dr Parkinson, confirmed that the flaws in Labor's MRRT were the result of the negotiations orchestrated by the Prime Minister and Treasurer after the ousting of Kevin Rudd.

*Senator McLucas interjecting—*

*Senator SMITH:* I think this is a critical point—that the flaws were the result of negotiations orchestrated by the Prime Minister and the Treasurer after the ousting of Kevin Rudd. The *Australian* newspaper—

**The ACTING DEPUTY PRESIDENT (Senator McKenzie):** Senator Smith, I remind you to use the proper title of members in the other place.

*Senator Birmingham:* That's 'Prime Minister in exile' for Mr Rudd.

*Senator SMITH:* Thank you very much, Senator Birmingham. Later in that same week, the *Australian* newspaper reported:

... the government has no plans to change the design of the MRRT.

Treasury secretary Martin Parkinson has admitted the design of the mining tax is responsible for its failure to generate revenue, not the falling commodity prices, higher currency and state royalties blamed by the government.

In explosive testimony to the Senate economics committee yesterday, Dr Parkinson said Treasury had compiled its budget forecasts in ignorance of the real cost of concessions agreed to by Wayne Swan and Resources Minister Martin Ferguson when they renegotiated the tax in private with the chief executives of BHP Billiton, Rio Tinto and Xstrata in mid-2010.

I think this is an important point. How critical have changing commodity prices been? Do they give the government a defence for this significant policy failure? While the government now point to changes in commodity prices, the risk of commodity price falls did not stop them from boasting at the time this tax was brought in that it would be a multibillion dollar revenue windfall. It did not stop them from putting forward a variety of programs to be funded through this tax initiative.

On 1 November 2012, the *West Australian* put to rest the suggestion that commodity prices are the only cause for concern in this revenue mix-up:

... the Treasurer—

is now trying to create the impression that lower commodity prices are the only reason the MRRT has not delivered any revenue so far. That is part of the story, but there is much, much more.

*Senator SINGH* (Tasmania) (17:18): What the opposition say is that they oppose the minerals resource rent tax, but this is merely code for supporting tax cuts for their billionaire mates—some of the richest people, if not the richest people, in the country. In government, they say, they intend to repeal the MRRT. We know what will result from that—attacking low-paid workers
to provide tax cuts to billionaires. How on earth is that good for all Australians?

Senator Smith talks about how the MRRT is bad for jobs and bad for Australians. How can this minerals resource rent tax be bad for Australians when the reason we are taxing mineral resources is that they belong to the Australian people? The mineral resources of Australia belong to all of us and we should all therefore have some say in how they are used and we should all get some dividend, some benefit, from their exploitation. It should not all go to the billionaires—the ones the coalition want to give a tax cut to—but should be shared in by the Australian people. As my parliamentary colleague Senator Marshall remarked: ‘Once they are dug up, that is it; they are gone. We do not have them anymore. Once minerals are dug up, they are gone.’ The minerals resource rent tax is about delivering something to the Australian people. This country and its minerals belong to all of us and we should all have some say in how those minerals are exploited and we should all share in the benefits when they are dug up and sold.

In looking at the design of this tax, let us go back to minerals 101. The tax is linked to commodity prices. Because it is linked to commodity prices, if commodity prices fall, as they have over the last year, the tax revenue collected is not going to be as high. It is pretty basic. The coalition argue that the minerals resource rent tax has not delivered enough tax—but, in the same breath, they say that they would repeal the tax, that they would not have the tax. They cannot have it both ways. They do not want the tax to exist, but now, while it does exist, they are saying there is not enough of it. So what is their position? Which way do they see this? I think they are just playing politics nothing else. It is not about giving a return to the Australian people—it is simply politics. It is simply going around in a circle and talking about nothing.

On this side of the chamber, we pursue policies which are good for Australia and good for the Australian people. That is why we have introduced the minerals resource rent tax. That is why it is designed the way it is. When commodities are down, yes, there will not be as much revenue coming in, but when they are up, there will be and that will be returned to the Australian people.

Senator Brandis referred before to the fact that we have some failed public policy. Let us talk about the coalition’s public policy—at least the things they have so far on the record. We could look at the failed public policies of the past, of Work Choices—the policy that got them out of government when the Australian people voted them out—or we could look at the current public policies, at the issue of GST. I understand Mr Joe Hockey is in my home state of Tasmania today. I have not heard one senator from Tasmania ask Mr Hockey, or anyone in this chamber, whether or not they support the coalition’s policy of reforming the GST, of ripping $700 million from the Tasmanian budget. Here is Mr Hockey today, pretending he is a friend of the people in Tasmania. No-one should be fooled by that because that is exactly what they intend to do. (Time expired)

Senator RUSTON (South Australia) (17:23): It is with pleasure that I rise to take note of answers given by Senator Conroy to questions asked in question time today about the minerals resource rent tax. I come from South Australia so I can tell you firsthand what this tax means to people in my state. It has reduced mining activity, which equates to fewer jobs and reduced opportunities for
everybody. Do not let Senator Marshall or anybody else convince you otherwise—the minerals resource rent tax did have a major impact on the decision by BHP Billiton not to proceed at Olympic Dam on the Roxby Downs expansion. I know there has been a lot of comment that this mine's expansion would not have been directly impacted on by the tax, but the cost of doing business in Australia is what has been affected. It is about the risk of doing business in Australia and that is the fundamental problem here.

When faced with a decision on whether to invest in Australia, or to spend their investment dollars somewhere else, mining companies are going to choose to invest in a country that does not keep backflipping on its decisions and a country that does not keep introducing new taxes just because it wants to balance the books. The bottom line is that Australia is no longer seen with any confidence as a safe place to do business. In short, the sovereign risk is just too great.

That is not the worst of this tax. Even at the most fundamental level, we all know that you should not spend money that you do not have and you do not know where it will come from. You can imagine walking into a bank and saying to the manager, 'I want to borrow $200,000 to buy a house. I'm not quite sure where I will get the money from but I might get a new job in a few weeks time that pays me more.' The guy would laugh you out the door. No individual, no family, no business can simply access money when they do not have any prospect or evidence of repaying it. The government have had every chance to know that this was likely to happen with that tax. All the experts have told them that the revenue from the MRRT was highly unlikely to ever be realised. But that is the track record of the government.

This is a government that was happy to give money to parents for a kids bonus with nothing to tie it to actually spending for the benefit of the education of children. Where is the investment in infrastructure promised by this government? Where are the real tax breaks that were promised for small businesses? What has happened to the promised superannuation reform? All we have seen is a massive increase in debt—$126 million raised by the MRRT, $2 billion spent so far, $14 billion in commitments, and this is all from the world's greatest Treasurer. I think not.

It is interesting that the author of this tax, the then Prime Minister Kevin Rudd, lost his job over this tax but not so the Treasurer. Together with the new Prime Minister, he has negotiated a tax that the mining industry basically does not have to pay. The big miners must be struggling to keep a straight face at the moment. I draw to your attention a comment made yesterday morning by Alan Kohler on the ABC: 'You've got to wonder which goose or geese paid the $126 million that the ATO collected from the minerals resource rent tax in the first six months.' If you look at some of our big miners, Rio Tinto did not pay any tax but it booked a non-cash revenue item of $1.1 billion against the MRRT. Xstrata—no revenue that we are aware of. Fortescue Metals says it is not paying anything. BHP Billiton paid $77 million—maybe they thought paying the retiring managing director more than the tax was probably a bad look.

All in all, the MRRT is a disaster, not a political inconvenience as the Treasurer has described it. Maybe the Treasurer could come to speak to the contractors who have geared up to provide goods and services in support of the mining expansion in South Australia. Maybe he can explain to these rural communities why they have not had the opportunities that were promised. This lack
of regard for rural communities is nothing new from this government. I will not digress like everybody else has and talk about all the different things that have been impacted upon by this government. I will stick to the MRRT. But, by the Labor Party's own admission, straight from the Labor Party's website, the minerals resource rent tax is a true Labor reform. It is a tax that collects no money; a tax that has generated huge future liabilities for all Australians; and a tax on the back of which a huge debt for Australia has been generated. If this is true Labor reform then I reckon every Australian has every right to say that they have had quite enough of Labor Party reform.

Question agreed to.

CONDOLENCES

Morrison, Hon. William (Bill) Lawrence, AO

The DEPUTY PRESIDENT (17:28): It is with deep regret that I inform the Senate of the death on 15 February 2013, of William (Bill) Lawrence Morrison, a former minister and member of the House of Representatives for the division of St George, New South Wales, from 1969 to 1975, and from 1980 to 1984.

I call Senator Faulkner.

Senator FAULKNER (New South Wales) (17:29): Mr Deputy President, I seek leave to move a motion relating to the death of former member and minister of the House of Representatives, the Honourable William (Bill) Lawrence Morrison, AO.

Leave granted.

Senator FAULKNER: I move:

That the Senate records its deep regret at the death, on 15 February 2013, of the Honourable William (Bill) Lawrence Morrison, AO, former minister and member for St George, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

Bill Morrison came into the parliament in 1969. He had been a diplomat in the Department of Foreign Affairs for 19 years and was elected for the seat of St George. He was part of a transformation in the profile of Labor politicians that occurred in that election. Many of those new faces had a professional background and tertiary education. In many ways, they were Gough Whitlam's men, handpicked and in his likeness. He welcomed them with pride, proclaiming to the parliament in April 1970:

Forty-four per cent of honourable members on this side of the chamber were not in the last Parliament. Due to changes on this side, this is the best qualified Parliament to sit in this place in terms of academic qualifications, lay experience and public service. I have noticed that nothing stirs the personal resentment of honourable members opposite as much as the possession of qualifications by honourable members on this side. I have already noticed, for example, that the honourable member for St George (Mr Morrison) seems to have attracted that same sense of outrage that used to be reserved for the honourable member for Dawson (Dr Patterson).

If Bill Morrison's diplomatic skills were welcomed in the Labor Party, his skills as a butcher, a trade he learned from his father, were once welcomed in the embassy in Moscow when he butchered a whole bullock brought in by the Argentinian ambassador for a barbecue.

He has the distinction of twice being expelled from the embassy in Moscow, in 1954 and in 1963, both times in retaliation for government actions in Canberra. Alan Ramsey last week told the story that on hearing of Petrov's defection Morrison, a young diplomat in the embassy in Moscow, bet Richard Woolcott that they would not be expelled and that he would drop his pants in Red Square if they were. They were and he did.
Bill Morrison's career in parliament was not long but it was full and impressive in its achievements. On entering parliament, he served immediately as deputy chair of the foreign affairs and defence committee, on which he brought to bear all his background in foreign policy. He also led Labor members out of the committee because of the refusal of the government to allow the committee to hold hearings and report in public, a move that was both radical and successful. Foreign policy loomed large in the years Bill Morrison was in parliament. He spoke and wrote extensively on our relations with South-East Asia and the United States, our recognition of China, our Middle East policy, our aid program—which he believed was poorly organised and poorly focused—and our defence arrangements. Having been an official Australian representative in Kuala Lumpur and Bangkok, he brought to the parliament an informed and critical voice about how we related to our region.

To look back at Bill Morrison's political career is to recall an era of issues fought with great intensity, with commitment and with clarity of purpose. He spoke often on foreign policy but particularly on Vietnam. It was an issue he returned to again and again and one that defined the Labor Party and separated it from the coalition. His speeches on foreign policy were always substantial, arguing legal issues and treaty obligations. But they also expressed the anger felt by many Australians about the war. How did Australia get into the war and how was it to get out of it? He supported the Vietnam moratorium. He believed the decision to go into Vietnam risked the lives of Australian soldiers and conscripts without proper cause and that Australia went into Vietnam on a lie and was extricating itself on a lie. On 14 April 1970, he argued:

> It is a matter of some significance that in the several volumes of the documents on Vietnam published by the Department of External Affairs—and I have read each and every one of them—the much referred to official request from the Government of South Vietnam has never appeared.

> It [Australia's contribution] was a public relations exercise, and Australian sons, brothers, fathers and husbands have died for a Madison Avenue victory.

In 1975, his anger over Vietnam was unabated. He said this:

> The guilty men have raised themselves from the bloody mire of Australian involvement in Vietnam to point their fingers. But have the Leader of the Opposition (Mr Fraser) and the Leader of the National Country Party of Australia (Mr Anthony) forgotten the appalling My Lais of the Vietnam War, the searing deadliness of the napalm bombs, the deathdealing bombs that were dropped, not only on Hanoi but also on the rest of Vietnam by the United States of America? Their memories are conveniently short. Not once did they protest, and now they talk of humanitarian principles. These men who plunged Australia into war, these men who applauded killing, these men who applauded violence, these men who supported the United States’ invasion of Cambodia and of Vietnam, not once protested about United States transgressions when evidence showed that both the Americans and the North Vietnamese had transgressed the 1954 Geneva agreements. Yet they talk about even-handedness. Not once was a protest made by them. They talk also of deception and of lies. These people belong to the very Parties that lied and lied and lied to the Australian people about Australia's involvement in Vietnam.

Bill Morrison, along with former Prime Minister Whitlam and the former foreign minister Don Willessee, was a driving force for the articulation of Labor foreign policy during his years in parliament. But he was also an effective local member who fought hard for the interests of his constituents. Perhaps the issue that stands out most is his work and advocacy about Sydney airport, as
a member of the Select Committee on Aircraft Noise. He tried, unsuccessfully, to get the terms of reference expanded to include the need for a second airport for Sydney. But he did succeed in placing limits on noise which continue to benefit those under the flight path. The restrictions and noise abatement policies still operate at Mascot. His arguments about the need for a second airport, however, say something about the political gridlock on the issue.

With the election of the Whitlam government in December 1972, Bill Morrison was made a minister—firstly, for Science, a new portfolio and the first time Science was given its own department. He worked to bring to fruition the new Institute of Marine Science in Townsville. He personally went diving on the Great Barrier Reef to examine the damage caused by the crown-of-thorns starfish and subsequently gave large grants to scientific research on the problem. In 1974, he adamantly opposed suggestions of nuclear powers dumping nuclear waste in the Antarctic. He said:

We don't know enough about the physics and ecology of the Antarctic ice shelf. There is also the problem that for 250,000 years radioactive waste remains highly dangerous to the environment.

He was also made Minister for External Territories and later, after PNG's self-government, Minister Assisting the Minister for Foreign Affairs in matters relating to the Islands of the Pacific. This was a particularly active part of Bill Morrison's ministerial career and one of his most important legacies. The previous government had agreed to a date, 1 December 1973, for self-government for Papua New Guinea and the Labor Party concurred with that policy. It was consistent with their strong support for decolonisation and with very strong moves globally towards independence for British and European colonies in the 1960s and seventies. The United Nations, too, had asked Australia for a timetable for PNG's self-government and independence.

Under Bill Morrison's stewardship, the move to independence in PNG was orderly, considered and consultative, if perhaps somewhat rushed. He worked well with the leader of the assembly in PNG, Mr Michael Somare. Although the policy was largely bipartisan, it was not without controversy and, as independence approached on 16 December 1975, there was debate about the state of readiness of PNG. There was, at times, obdurate resistance in PNG itself, an expression of fear and conservatism on the part of expatriate planters and district offices. In answer to the criticism of haste, Bill Morrison was clear and determined. He said:

It was generally accepted that colonies should have a right of self determination … Those of us who had observed the struggles for independence in other parts of the world didn't want the unfortunate lessons of history repeated in Papua New Guinea. Nor did we want the unity to be achieved in Papua New Guinea to be a unity based on Australia as a common enemy.

In the last five months of the Whitlam government, Bill Morrison served as Minister for Defence. It was a short-lived appointment. He began managing the transition of Defence from five separate departments to a single entity and the winding down of our forces after the withdrawal from Vietnam. But there was little time to achieve anything before the dismissal of the government by John Kerr on 11 November.

Having won the seat of St George in 1969 by 69 votes, Bill Morrison lost it in 1975 by 56 votes; I think a more than creditable result in Labor's landslide defeat. He was out of parliament for five years. In 1980, he ran for and won the seat of St George, again supported by Gough Whitlam, who spoke in
support of him at a pre-election rally. Let me quote Gough's words:

The next Government will be the Hayden Government, which will be the greatest government since Federation—with the possible exception of one. And the next Foreign Minister will be Bill Morrison who will be the greatest Foreign Minister—with the possible exception of one.

Well, sadly this was not to be. But Bill Morrison was neither bitter nor disillusioned. Echoing a sentiment he had expressed on arriving in parliament, he said:

I came into this Parliament with perhaps the idealistic notion that a parliamentarian had one of the higher vocations of life. I thought that we came here to represent our fellow men. I think there is no higher calling.

Bill Morrison was defence minister when five journalists were shot during the invasion of East Timor by Indonesian forces. The repercussions from this were still being felt in 2007, when he and former Prime Minister Gough Whitlam were called to the last of many inquiries into the deaths of the journalists. He testified that he had known of the shooting within hours, from cables sent to Canberra, but that he had not told the Prime Minister, who was caught up with pressing political crises—the blocking of supply and the loans affair.

Bill Morrison was a conservative on the issue of Indonesia and East Timor. He led a parliamentary delegation there in 1983 and was severely criticised for the subsequent report, stating that Indonesian control of the territory was 'final and irrevocable'. These findings were by no means unanimous. Bill Morrison supported the policy of the Hawke government for Indonesian sovereignty over East Timor, despite strong opposition within the Labor Party.

In 1985 Bill Morrison was made Australian Ambassador to Indonesia, following some years after his old friend and colleague Richard Woolcott. He supported the Indonesia-Australia agreement on the Timor Gap. He served as ambassador for four years before retiring in 1989.

There is an interesting postscript to Bill Morrison's public life. He and his wife, Marty, have worked in recent years for refugees through Rural Australians for Refugees. In the course of this work they took up the cause of Mamdouh Habib and David Hicks. For them, this support was a matter of principle. Bill Morrison told a Sydney newspaper that:

… while he was still a card-carrying member of the Labor Party, his party was, like the Howard government, "devoid of principle" and had failed to take a stand against the jailing of Habib and the other Australia citizen still detained at Guantanamo Bay, David Hicks.

He said:

I am appalled by the performance of both Australian political parties, both parties unfortunately. I think the Labor Party, the leadership of the Labor Party, has just let this thing go on without any protest, without any active intervention.

As with Vietnam, the war in Iraq and its consequences brought out his strongest feelings. In 1973, he had quoted Richard Nixon to argue for a more independent foreign policy for Australia:

… if domination by the aggressor can destroy the freedom of a nation, too much dependence on a protector can eventually erode its dignity.

Bill Morrison was, as always, blunt and direct and passionate in support of his beliefs. His was a life well lived.

Bill Morrison died on 15 February. My sincerest condolences are offered to his wife, Marty, and his children, extended family and friends.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (17:47): The coalition joins the government in supporting
the motion of condolence saluting the service of Bill Morrison to our nation. His personal antecedents have been well covered and canvassed by Senator Faulkner. Suffice it to note that his was a story of opportunity and advancement courtesy of sound policy settings of the time.

As the son of a country butcher, he went on to matriculate at North Sydney tech and won a scholarship to study economics at the University of Sydney. After attaining his degree with honours as a Commonwealth scholarship student, Bill Morrison joined the Commonwealth Public Service as a cadet with the then Department of External Affairs.

His diplomatic service made me realise that he was someone that the coalition could warm to. You see, he was expelled from Russia not once but twice. The first time it was in relation to the defection of Vladimir Petrov. The second time it was in retaliation for Australia's expulsion of Soviet agent Ivan Skripov, who had been cultivating an Australian woman for the purposes of espionage. On this occasion, the KGB tried to recruit Morrison as a spy by ham-fistedly attempting to frame him. It is understood that Morrison had been visiting a Russian friend's house in Moscow when KGB officials barged in and told him that, unless he cooperated, the Soviet media would announce the next day his expulsion for the heinous crime of selling used clothing to his maid, something that was supposed to be illegal at the time—a heinous crime, no doubt, under the regime that some of those opposite were known to actually support. But Morrison famously told the KGB—one assumes he may have made this up himself, but if he did I salute him—to 'jump in the lake'.

History tells us that in 1969 Morrison was approached in Singapore by the then opposition leader Gough Whitlam, asking him to stand for federal parliament. As captains' picks go, it was one of the more inspired ones—I will not talk about later captains' picks—but his electoral success was mixed by virtue of the seat in which he ran. He voluntarily retired prior to the 1984 election.

Before that, the Parliamentary Library records some amazing things about Mr Morrison. He warned against the buying of coloured TVs because certain plastic elements might explode. He gave cyclones masculine names, overcoming that long-term gender discrimination against men—so he was a trailblazer in that regard. He did a number of other good things as well, but I thought that, on a lighter note, those two were worth noting.

I refer to his appointment after his retirement from parliament as Ambassador to Indonesia, where he served for 3½ years. There is one anecdote about how Mr Morrison used all his diplomatic skills to cover off the diplomatic fallout following the Sydney Morning Herald's publication of a story on the Suharto family's wealth. Mr Morrison had the bright idea of inviting Rebecca Gilling, the star of the truly improbable but highly popular Australian soap opera television export Return to Eden, to his next Australia Day garden party. Never was this event attended by so many Indonesian generals. The next day the Indonesian newspaper Kompas ran a cartoon saying that diplomacy between the two countries had 'returned to Eden'.

Mr Morrison's life was a life of service to the Australian people, and the coalition will always recognise that, even if that person happens to come from the other side of politics. The coalition extends its condolences to his widow, Marty; his
daughters, Tanya and Melanie; his son, Kim; and his seven grandchildren.

Question agreed to, honourable senators standing in their places.

PETITIONS

The Clerk: Petitions have been lodged for presentation as follows:

Internet Content
To the Honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned shows:
That material banned through the 'Refused Classification' category in Australia includes child pornography, material that promotes rape, sex with animals or incest and material that instructs in how to carry out bombings and torture. We note this ban extends to books, magazines, films, television and Australian hosted websites and generally works well to prohibit access to material the vast majority of Australians would find abhorrent.

We also note that there are many overseas hosted websites that promote such material, including material that has involved the trafficking and sexual abuse of women and children. We further note that the UN Human Rights Council passed resolution A/HRC/8/L.17 of 12 June 2008 calling for governments to take steps:

- combat the use of the Internet to facilitate trafficking in persons and crimes related to sexual or other forms of exploitation and to strengthen international cooperation to investigate and prosecute trafficking facilitated by the use of the Internet.

Your petitioners ask that the Senate:
Pass legislation that requires Internet Service Providers (ISPs) to block all websites that contain material classified as 'Refused Classification', regardless of where such sites are hosted.
by Senator Bilyk (from 10,450 citizens).

Petition received.

Senator Bilyk (Tasmania) (17:53): I seek leave to make a short statement in regard to the petition.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator Bilyk: I have been asked to table this petition on behalf of the Uniting Church in Australia Synod of Victoria and Tasmania, regarding internet filtering.

In 2010, prior to the last election, the government announced that the Australian Law Reform Commission would review the refuse classification category for films, computer games and publications after community concern that it did not reflect community standards. Following public consultations, the ALRC recommended in February 2012 that refused classification should be narrowed into a prohibited content category which includes illegal content like child abuse material. In line with this recommendation Australia's largest ISPs have been issued with notices requiring them to block these illegal sites in accordance with their obligations under the Telecommunications Act 1997.

Australia's major internet service providers are now required to block child abuse websites on the Interpol 'worst-of-child-abuse list'. Blocking the Interpol 'worst of' list meets community expectations and fulfils the government's commitment to prevent Australian internet users from accessing child abuse material online. (Time expired)

NOTICES

Presentation

Senator Back to move:
That the time for the presentation of the report of the Education, Employment and Workplace Relations References Committee on teaching and learning—maximising our investment in Australian schools be extended to 14 May 2013.

Senator Bilyk to move:
That the Joint Select Committee on Cyber Safety be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 13
March 2013, from 4.15 pm to 6 pm, to take evidence for the committee’s inquiry into cyber-safety for senior Australians.

Senator Birmingham to move:
That the time for the presentation of the report of the Environment and Communications References Committee on extreme weather events be extended to 26 June 2013.

Senator Crossin to move:
That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 26 February 2013, from 4 pm, to take evidence for the committee’s inquiry into the provisions of the Regulatory Powers (Standard Provisions) Bill 2012.

Senator Crossin to move:
That the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 27 February 2013, from 12.30 pm.

Senator Crossin to move:
That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012 be extended to 30 April 2013.

Senator Heffernan to move:
That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 28 February 2013, from 4 pm, to take evidence for the committee’s inquiry into an aviation accident investigation.

Senator Nash to move:
That the Parliamentary Joint Committee on Law Enforcement be authorised to hold a public meeting during the sitting of the Senate on Thursday, 14 March 2013, from 4.30 pm, to take evidence for the committee’s inquiry into the gathering and use of criminal intelligence.

Senator Parry to move:
That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sittings of the Senate, as follows:
(a) on Tuesday, 12 March and 19 March 2013, from 1 pm to 2 pm, to take evidence for the committee’s inquiry into slavery, slavery like conditions and people trafficking; and
(b) on Tuesday, 12 March and 19 March 2013, from 5.30 pm to 6.30 pm, to take evidence for the committee’s inquiry into the care of Australian Defence Force personnel wounded and injured on operations.

Senator Siewert to move:
That the time for the presentation of the report of the Community Affairs References Committee on the sterilisation of people with disabilities be extended to 19 June 2013.

Senator Sterle to move:

Senator Thistlethwaite to move:
That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 18 March 2013, from 10 am to 1 pm.

Senator Wright to move:
That the time for the presentation of the report of the Legal and Constitutional Affairs References Committee on justice reinvestment be extended to 20 June 2013.

Senator Xenophon to move:
That the Joint Select Committee on Gambling Reform be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 19
March 2013, from 4 pm, to take evidence for the committee’s inquiry into the advertising and promotion of gambling services in sport.

Senator Milne to move:
That the following matter be referred to the Economics References Committee for inquiry and report by 6 May 2013:

The development and operation of the Minerals Resource Rent Tax (MRRT) in regard to the recently released revenue figures showing a massive shortfall in the revenue compared to government projections, in particular:

(a) the design of the MRRT and the extent to which the design of the tax as opposed to other factors such as commodity prices are responsible for the mismatch between actual revenue and revenue projections;

(b) the process by which the MRRT was designed, including the extent of the involvement of the Department of the Treasury and mining corporations who would be paying the tax;

(c) the extent to which, if at all, the Government took into account the views of communities affected or potentially affected by iron ore and coal mining when designing the tax;

(d) implications for the budget and the extent to which a strengthened mining tax could raise revenue for education, disability services and infrastructure;

(e) options to strengthen the MRRT; and

(f) any other related matter.

Senator Cash to move:
That the Senate—

(a) notes that:

(i) February 2013 is Ovarian Cancer Awareness Month,

(ii) Ovarian Cancer Awareness Month is run each year by Ovarian Cancer Australia with its purpose to raise awareness of the signs and symptoms of ovarian cancer and to offer support for the women, their families and friends affected by ovarian cancer, and

(iii) Wednesday, 27 February 2013 is Ovarian Cancer Australia’s Teal Ribbon Day, a day when Australians are invited to purchase and wear a teal ribbon to show support for ovarian cancer awareness, support and research, and to recognise those affected;

(b) recognises that:

(i) according to Ovarian Cancer Australia, one in 77 women will develop ovarian cancer in their lifetime,

(ii) each year, more than 1 200 Australia women are diagnosed with ovarian cancer and around 800 will die from the disease, equating to an average of 3 Australian women being diagnosed every day, and

(iii) early detection of ovarian cancer is key, as detection in the early stages increases the percentage to up to 95 per cent of women being alive and well after 5 years; and

(c) commends Ovarian Cancer Australia for the work that they have done in raising awareness of the signs and symptoms of ovarian cancer and to reduce the impact on Australians of ovarian cancer.

Senator Abetz to move:
That the Building Code 2013, made under subsection 27(1) of the Fair Work (Building Industry) Act 2012, be disallowed.

Fifteen sitting days remain, including today, to resolve the motion or the instrument will be deemed to have been disallowed.

Senator Williams to move:
That the Senate—

(a) calls on the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to take appropriate action under relevant Commonwealth legislation to address the health risks posed by flying foxes, including a program to educate the public about these risks; and

(b) extends its condolences to the family of the young boy in Queensland who recently died of lyssavirus.

Senator Waters to move:
That the Senate—

(a) notes that:

(i) coal seam gas is a high-risk industry that poses unacceptable risks to our rivers and
groundwater, agricultural lands and natural environment, and our communities, and
(ii) since becoming Australia’s Minister for Sustainability, Environment, Water, Population and Communities, Mr Burke has not rejected a single coal seam gas project, rather approved multiple enormous coal seam gas field developments across Queensland, and most recently in Gloucester in New South Wales despite significant community concerns about the health and environmental impacts of this new industry; and
(b) calls on the Federal Government to protect Australia’s rivers and groundwater, agricultural lands and natural environment, our communities and the world’s climate and stop this new high-risk industry.

Senator Siewert to move:
That the Senate—
(a) notes that the whaling presence in the Australian Antarctic Territory now includes a Japanese self-defence vessel with a capacity for 250 personnel as well as a Korean flagged refuelling tanker; and
(b) calls on the Government to take urgent action to address the escalating situation, including sending a monitoring vessel to observe the whale hunt.

BUSINESS
Senate Temporary Orders
Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (17:54): I move:
That the following general business orders of the day be considered on Thursday, 28 February 2013 under the temporary order relating to the consideration of private senators’ bills:
No. 90 Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012.
No. 46 Foreign Acquisitions Amendment (Agricultural Land) Bill 2010.
Question agreed to.

Leave of Absence
Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:55): by leave—I move:
That leave of absence be granted to the following senators:
(a) Senator Cormann from 25 February to 28 February 2013, for personal reasons;
(b) Senator Johnston from 25 February to 28 February 2013, on account of parliamentary business; and
(c) Senator Back for 28 February 2013, on account of parliamentary business.
Question agreed to.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (17:55): by leave—I move:
That leave of absence be granted to Senator Crossin for today, for personal reasons.
Question agreed to.

COMMITTEES
Environment and Communications Legislation Committee
Reporting Date
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (17:56): On behalf of the chair of the Environment and Communications Legislation Committee, Senator Cameron, I seek leave to move a motion relating to the presentation of a report of the committee.
Leave granted.

Senator CAROL BROWN: I move:
Question agreed to.
National Broadband Network Committee Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (17:56): On behalf of the chair of the Joint Standing Committee on the National Broadband Network, I seek leave to move a motion to enable the committee to meet during the sitting of the Senate.

Leave granted.

Senator CAROL BROWN: I move:

That the Joint Standing Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 26 February 2013 from 4 pm.

Question agreed to.

NOTICES Postponement

The following items of business were postponed:

General business notice of motion no. 1077 standing in the name of Senator Madigan for 26 February 2013, proposing the introduction of the Citizen Initiated Referendum Bill 2013, postponed till 28 February 2013.

General business notice of motion no. 1078 standing in the name of Senator Madigan for 26 February 2013, proposing the introduction of the Citizen Initiated Legislation (Plebiscite) Bill 2013, postponed till 16 May 2013.

General business notice of motion no. 1121 standing in the name of Senator Xenophon for today, proposing the introduction of the Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013, postponed till 26 February 2013.

BILLS

Small Business Commissioner Bill 2013

First Reading

Senator WHISH-WILSON: I move:

That the following bill be introduced: A Bill for an Act to define the roles and responsibilities of the Federal Small Business Commissioner, and for related purposes.

Question agreed to.

Senator WHISH-WILSON: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator WHISH-WILSON (Tasmania) (17:58): I present the explanatory memorandum for the bill and move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Small Business Commissioner Bill 2013 ensures that the roles and responsibilities of the Federal Small Business Commissioner are set out in legislation. It also provides teeth to the Commissioner to ensure he or she can effectively carry out their role as an advocate and representative of small business.

The Small Business Commissioner must be more than asymbolic position, the Commissioner and their office must be empowered to be effective advocates for small business. This bill provides the necessary capacity to move beyond the symbolism.
Small Business is a crucial part of the Australian economy. According to the Australian Bureau of Statistics small businesses employ more than two million people; therefore they are a fundamental pillar of the Australian economy.

The personal risks that people take when starting a small businesses and the challenges they face are immense. They deserve a champion at the Federal level to deal primarily with Commonwealth related issues and to complement the work of the small business commissioners in the States that have them.

This is why the Australian Greens welcomed the decision of the Government in 2012 to appoint a small business commissioner. However this does not go far enough - currently the Commissioner has no legislated role. It has no power to ensure it can be an effective broker between small and big business. At the moment the Commissioner and their office don't have defined roles and responsibilities, the Commissioner can channel their office's resources and energy in whatever direction they choose.

Therefore legislation for the office of the small business commissioner is crucial to ensuring roles are defined and the Commissioner has the power to be effective.

A legislated position will also make it more difficult for an incoming Government to abolish the position as happened recently in Queensland when the Newman Government abolished their Small Business Commissioner.

The roles and responsibilities of the Small Business Commissioner as described in the bill cover a range of areas including assisting in dispute resolution and investigating complaints from small businesses about their commercial arrangements with Departments, Statutory Agencies or Executive Agencies of the Commonwealth. A recurring theme from small businesses that conduct business with Commonwealth Departments is the unnecessary complexity involved in winning and adhering to Government contracts. Some small businesses also claim that Commonwealth Government bodies can be particularly slow in paying their bills.

As cash flow is integral to a small business, delayed payments of bills can be quite destructive. In many ways just as crucial to small business owners is the time they use in following up late payments. This is time they can't use to grow and develop their business.

Government agencies and departments should adhere to best practice in dealing with small businesses and many do. However for those who don't, small businesses will be able to contact the Office of the Small Business Commissioner for assistance and representation in their business dealings with Commonwealth Departments and Agencies.

The Office of the Small Business Commissioner has the power to bring representatives of Commonwealth Departments and Agencies to the table to facilitate conflict resolution with a small business. Subject to constitutional constraints it also allows the Commissioner to facilitate resolution between larger businesses and small businesses. If Departments or businesses fail to attend in front of the Commissioner or provide documents as requested this Bills allows for the application of financial penalties. Based on my understanding of the operation of the small business commissioner in South Australia I anticipate that businesses will willingly attend resolution and mediation sessions with the Small business commissioner. Therefore the power is there to be used if necessary, but I hope it will be used minimally, if at all.

The Small Business Commissioner Bill also requires the Commissioner to monitor, investigate and report to the Minister on market practices that may adversely impact small businesses. This will provide a dedicated office of people who can undertake research and monitoring of issues and market practices that are key to the operation of small business and provide reports to the Minister for Small Business. The office of the Commissioner will also be able to prepare information for small business about entering into commercial arrangements with Commonwealth Departments.

This bill vests a research function within the Office of the Small Business Commissioner. This will ensure research on small business trends and growth is available to policy makers through an annual report. I also hope that research into the size and structure of the small business sector and
emerging trends is carried out to help policy makers to better understand the sector.

The Bill provides for cooperation between small business commissioners in the states and territories and other relevant Government agencies and the Commonwealth Small Business Commissioner on a voluntary basis in respect of any dispute that has national ramifications. I would think that the expertise and advice of a Federal Small Business commissioner would be valued across the country. I would also like to take this opportunity to call on the states and territories without small business commissioners— including my home state of Tasmania—to strongly consider their introduction.

The architecture is already in place. As previously outlined the Minister has appointed a Small Business Commissioner who started work in January. This Bill is not intended to undermine this position; its intention is to strengthen it. This Bill provides for a seamless transition, it explicitly states that the person known as the Federal Small Business Commissioner should be appointed as the first Small Business Commissioner once the legislation receives Royal Assent.

Small businesses are a major contributor to the Australian economy and therefore employment. They deserve their own advocate and the legislation to back them up. This will help ensure small businesses are at the forefront of economic policy discussion and development in Australia.

I commend the bill to the Senate.

Debate adjourned.

Marriage Equality Amendment Bill 2013

First Reading

Senator HANSON-YOUNG: 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 HANSON-YOUNG (South Australia) (18:00): I present the explanatory memorandum and 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 Marriage Equality Amendment Bill 2013 seeks to amend the Marriage Act 1961 to provide equality for same sex couples. The Bill removes the existing discrimination in the federal Marriage Act that confines marriage to between a man and a woman. It redefines marriage as being between two people regardless of their sex, sexual orientation or gender identity.

The Greens share the view of the majority of Australians that the institution of marriage should be available to all loving couples.

The road to equality has been long, sometimes fraught with controversy, and in Australia we are yet to reach our final destination of marriage reform. But it will happen and I believe the time is now. The call for marriage equality has huge community momentum in Australia which is growing day by day. The most recent national survey found that 62% of Australians believe same-sex couples should be able to marry, and 75% of Australians believe reform is inevitable.

The Australian Greens share the view of the wider community that marriage equality is an inevitable reform and in 2013 we are the only party committed to bringing it in.

This is the third time I have introduced a bill for marriage equality. On each of my two previous bills, the Senate conducted in-depth inquires which highlighted the significant community interest in marriage equality. In 2009, the inquiry into my bill received more than 25,000 submissions. In senate inquiry into my second bill in 2012 set a new record of 75,000
submissions, the majority of which were supportive of the bill. It is clear there is enormous community passion for this.

The inquiry into my bill recommended that, with a few small amendments, the bill should pass.

Sadly, in 2012 we saw votes in both the House of Representatives and in the Senate on government marriage equality bills that were carefully orchestrated to fail. The Leader of the Opposition chose to buck the traditional approach of his party by refusing Coalition members a conscience vote. Meanwhile the Prime Minister failed to have her members support the ALP’s own policy of supporting marriage equality by insisting on a conscience vote.

I know there are many members in both houses who share the Greens’ commitment to marriage equality. But with both leaders standing in the way of equality, the final count wasn’t quite enough to bring on this inevitable reform.

Well, the Greens will never give up. We still have a bill in both houses of parliament for marriage equality. We will show the leadership that the leaders of the other parties refuse to show.

The Greens consider marriage equality to be central to our agenda and we will honour that promise throughout the election campaign and into the new Parliament until marriage equality finally exists in Australia.

While the big parties hold up federal reform and their leaders stand in the way of history, the rest of the world is rushing ahead. In recent weeks we have seen the United Kingdom and France embrace marriage equality, joining many other nations who have already embraced marriage equality.

In Australia, the states and territories are showing the way, with Greens and non-Greens bills for state marriage equality across the nation. States such as Tasmania and South Australia have shown cross-party cooperation and are on the cusp of bringing in marriage equality to their state. When they do, they will benefit from a significant boost in tourism and local wedding industry productivity.

Since I introduced my first marriage equality bill, many state Parliaments have been active on human rights for Gay Lesbian Bisexual Transgender and Intersex Australians. While no substitute for marriage, Tasmania has legislated for civil unions and NSW has legislated for same-sex parenting rights.

These are important and historic reforms and the efforts of MPs and advocates in our states and territories are to be admired and acknowledged. But it is federal marriage equality that the community wants most of all.

This Bill has been updated with all the minor amendments recommended throughout the last year, and it is ready to be passed into law. The Greens will do all we can to bring in marriage equality and this bill is the vehicle to make it happen.

I commend the bill to the Senate.

Debate adjourned.

BUSINESS
Withdrawal

Senator HANSON-YOUNG (South Australia) (18:00): I move:

That general business order of the day no. 14, relating to the Marriage Equality Amendment Bill 2010, be discharged from the Notice Paper.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

The DEPUTY PRESIDENT (18:01): The President has received the following letter from Senator Fifield:

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

The failure of the Gillard Government to govern for all Australians.

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 FIFIELD (Victoria—Manager of Opposition Business in the Senate) (18:01): It is timely that we debate this matter of public importance, the failure of the Gillard government to govern for all Australians. I want to present a context, and that is that, when someone is sworn in as a minister of the Crown, when someone becomes a member of the Australian Executive Council, they do not cease to be an ardently partisan figure, but they are called to exercise a higher duty. They are called in the business of government to have the capacity to put governing above partisanship, and we have seen the most partisan political figures in this nation's history do that.

Former Prime Minister Bob Hawke is an immensely partisan figure, yet when he took on the role of Prime Minister he saw himself as the nation's leader—not the leader of any sectional interest, but as the national leader. Even former Prime Minister Paul Keating, when he assumed the prime ministership, articulated what he saw as a vision for the nation. We on this side of the chamber might not have agreed with him, but he saw himself as governing for all Australians. Former Prime Minister John Howard—again you could not find a more remorselessly partisan figure than John Howard—while still being the leader of the Liberal Party of Australia, while still being the leader of the federal coalition, was also the Prime Minister of the nation, and was careful at every opportunity not to refer to the Liberal government, not to refer to the coalition government, but to refer to the Australian government. He was always very conscious that he was first and foremost the Prime Minister of the nation, and that he was a partisan political leader second.

Sadly, both under Mr Rudd and Ms Gillard we have seen a government that has failed to understand that important transformation that happens when people become ministers, and particularly when they become prime ministers—that they are the leader of the nation first. We first got an inkling of the current Prime Minister's view at the ALP National Conference on 2 December 2011, where when talking about the government's agenda she said:

This is the Labor way. This is the Australian way. I was troubled by the Prime Minister equating her political party with the nation. I do not claim, Senator Ronaldson does not claim and Mr Abbott does not claim that the Liberal way is the Australian way, yet the Prime Minister claimed her party to be the only authentic Australian political party.

We have a number of great political parties with proud histories in this nation—the Liberal Party, the National Party and even the Labor Party. No Prime Minister should ever equate their party with the nation. We also have the now infamous rhetorical flourish of the Prime Minister when she said:

We follow it simply because we are us.

What does that mean? On Labor's historic task, she said Labor would 'be Australia's party, to lead in the Australian way'. That is not how the Australian people see the Liberal Party or the Labor Party or the National Party.

We had this view not just reinforced in the policies we have seen from this government but also in the Prime Minister's speech to the Australian Workers Union National Conference on 18 February. We heard about the real Julia, the real Ms Gillard, that we did not see at the last election but then she
declared we would see the real Julia. What we saw at the AWU conference was Julia unplugged. The Prime Minister went through the luminaries who were there. She said of Bill Ludwig:

It is impossible to write the history of this state without recording Bill Ludwig's role.

I think that is probably a big call, which I am sure you might agree with, Madam Acting Deputy President Boyce, but such is the view of the Labor Party and their role in Australian history. And she went on:

I want to acknowledge a great friend of the AWU who is here tonight and a great friend of mine, the Deputy Prime Minister and Treasurer, Wayne Swan, has joined us this evening.

Wayne has actually flown back from Russia to be here tonight.

Now I don't tell you that so you get in anticipation about seeing vodka drinking and Cossack dancing.

I do not think that she should try a line in being a comedian. This was more peculiar; she went on to say of his attending the G20 meeting:

And in that room when they look for leadership they look to Wayne Swan, a man honoured as the world's best treasurer, a man so honoured because of his passionate commitment to jobs.

Wayne, thank you for everything you've done …

I would think that the Prime Minister is possibly the only person in Australia who would say that with anything other than a sense of irony. Thank you, Wayne, for all that you have done!

Of course, tribute was being paid to Mr Swan because he is a hero of the AWU. She went on to acknowledge another hero of the AWU, Mr Ludwig. The less said about Mr Ludwig and his performance in his portfolio the better. Where her speech got truly disturbing was when she said:

I come here to this union’s gathering as a Labor leader.

I’m not the leader of a party called the progressive party. I’m not the leader of a party called the moderate party. I’m not the leader of a party even called the socialist democratic party. I’m a leader of the party called the Labor Party deliberately because that is what we come from.

That is what we believe in and that is who we are. Obviously, in the Prime Minister's view, it is too bad if you are an Australian who voted Liberal; it is too bad if you are an Australian who voted National; it is too bad if you are an Australian who sees yourself as a moderate; it is too bad if you are an Australian who sees yourself as a social democrat. No, she only sees herself as representing people who trace their origins to the trade union movement of this country in which 18 per cent of the workforce now are members of trade unions, and only 13 per cent in the private sector. She is seeking to govern for the most narrow sectional interest which we have seen in this nation.

You can forget the reforming ethos of Mr Hawke and the reforming ethos of Mr Keating who sought to broaden out the Australian Labor Party from being a purely trade union based party to one that represented the bulk of Australians. That particular Labor project is dead and the Prime Minister belled the cat in her speech to the Australian Workers Union. If that was not enough, there was the sight of Paul Howes and Bill Ludwig with their fists pumping in the air singing Solidarity Forever. That is not what the Australian people identify with. The Australian people do not want to see a Prime Minister going to a crowd of unionists, pumping the air singing Solidarity Forever. The Australian people want the Prime Minister to be seen to be above that sort of partisanship. They want to see their Prime Minister above that sort of a ruck.
I know that we are partisan figures in this place; we all are. We should be proudly partisan figures. But the Prime Minister of the nation should be elevated above that partisanship. The Prime Minister of the nation should be a symbol for all Australians, regardless of how they voted. However, we do not have that in this Prime Minister, sadly. I am sure that some of my colleagues will talk about the specific policies which underline the fact that this is a government that is governing for an extremely narrow sectional interest. Let us hope that this prime ministership, its overtly partisan demeanour, its overtly partisan action and its overtly partisan symbolism are but an aberration, and that with the demise of this government regular transmission will be resumed and we will have a Prime Minister—I know we will have a Prime Minister in Mr Abbott—who will govern for all Australians.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (18:11): I find it remarkable that the opposition is bold enough to suggest that the Gillard government is not governing for all Australians when one considers that the Liberal Party is focused on cynical political tactics rather than the public interest. Last week I was fortunate enough to attend the Australian Workers Union conference where the Treasurer made some important points about how we are witnessing an alarming radicalisation of the Liberal Party, which has led it to mimic the unrestrained negativity and disregard for responsible policy-making practised by the United States Tea Party movement. When a major political party, like the Liberal Party, ignores the conventional understanding of facts, evidence and science, refusing to believe it is actually in opposition and moving so far from the mainstream, it loses its ability to deal constructively with Australia's challenges. This is particularly concerning for the Liberal Party stance on economic issues vital to Australia's future.

Whenever I speak to people in Tasmania many of them ask, 'Why are the Liberals so opposed to a tax on massive mining profits?' The fact that companies have reaped such huge rewards is great for Australia, but we must remember that every time the mining boom pushes the Australian dollar that little bit higher it hurts farmers and manufacturers who export products overseas, as well as tourism and foreign student education industries. It also means the cost-of-living pressures become greater for many Australians. The risk of a two-speed economy is one of the reasons the government introduced the minerals resource rent tax and resolved to cut the company tax rate, introduce tax breaks for small businesses, help all Australians make ends meet and inevitably make sure that we spread the profits of the boom.

Needless to say, the Liberal Party chose to engage in an opportunistic campaign against the tax in step with public relations efforts waged by the mining lobby. The opposition leader's decision to link the potential for sovereign risk with the MRRT was one of the most dangerous, unwise assertions made by any Australian politician in my memory. In fact, there has been some $152 billion of capital expenditure in the mining sector since the MRRT was announced—an increase of 160 per cent. Surely the opposition leader and his shadow treasurer were advised that when they falsely raised the prospect of sovereign risk they were unnecessarily trashing the global reputation of Australia. But perhaps those opposite really do not care.

The Liberal Party's Tea Party style goes much further. There are many examples I could point to but there is one in particular I
I want to speak about here tonight. Recently I was pleased to announce that the further construction of the National Broadband Network will commence in South Launceston. The NBN is about preparing Australia for the future. It is about ensuring that our local communities in places like South Launceston are not left behind as the world and our local economy change. So of course it should come as no surprise that the opposition leader is opposed to this progress and has promised to eliminate the NBN if he were to assume power. Never mind that, for many years, people living in regional and remote areas in my home state of Tasmania and around Australia have had to put up with slow, unreliable internet services. Never mind that the NBN will lead to improved education and health services and greater opportunities for small businesses and agriculture. Never mind also that the NBN will allow high-quality teleworking, making it easier to work remotely. As long as he can criticise the government's NBN for being too ambitious and expensive, nothing else matters to the opposition leader.

This country needs leaders like the Prime Minister who are perceptive enough to identify not only the challenges and opportunities that Australia faces today but what we will face in the future. The opposition leader, on the other hand, cynically moves from one short-sighted day to the next never grappling with policy, only opposing it; never considering what Australia needs tomorrow, only worrying about what his political prospects require today.

Senator Ian Macdonald: Madam Acting Deputy President, I raise a point of order. Standing order 187 is a pretty simple one and it is in there for a reason. It says:
A senator shall not read a speech.

I have been watching Senator Polley from the moment she started and she has not lifted her eyes from the speech she is reading. So I draw your attention to standing order 187 and ask that you have the senator comply with that standing order.

The ACTING DEPUTY PRESIDENT (Senator Boyce): There is a certain amount of latitude given here and I am sure that Senator Polley will note your comment. It is not a point of order. Senator Polley.

Senator Polley: This country needs development in infrastructure and it needs leaders that embrace new technologies that will enable our economy to grow and prosper to benefit all Australians. Recently, the global media have reported on a study funded by the United States National Institute of Health, which confirmed that front groups with longstanding ties to the tobacco industry and billionaire industrialists planned the formation of the American Tea Party movement more than a decade ago. This movement has been exposed for what it is, and I think that the opposition leader's real motivations will also continue to be exposed. It will become clear that the Liberal Party has been aggressively opposing vital legislative reforms, obfuscating on issues of national importance, causing undue alarm within the community and undermining the integrity of the democratic process because it is acting in its own interests and not those of the nation as a whole. The opposition is in the pockets of wealthy climate change denialists, self-interested mining executives and litigation-prone tobacco companies who refuse to play by the rules.

The opposition leader is not a man of the people concerned about protecting jobs and development any more than the Tea Party is a genuine grassroots movement. His party is not interested in governing for all Australians. It is imperative that Australians
consider the real motivations for the direction in which the opposition leader has taken the Liberal Party. So consider his initial opposition to the tobacco plain-packaging reforms encapsulated in the following comment: 'I don't like smoking any more than the next person, but overwhelmingly these are some of the least privileged, least well off, people in our community.' Then consider that he made his remark at a time when 97 per cent of British American Tobacco's political donations worldwide went to the Liberal and National parties. If elected, Mr Abbott will govern for big tobacco, not for all Australians. Then consider his opposition to the minerals resource rent tax on the basis that he would not support another 'great big new tax' that threatened jobs. Consider that the mining tax saw an extraordinary increase in donations to the coalition that has opened up a huge funding resource. He would, as we know, if he were ever to assume the government benches, be governing for mining royalty, not for all Australians.

Governments should be held to account for decisions made, policies pursued and legislation passed—our democratic process depends on it. But the process begins to crack and fail when an opposition like the Liberal Party oppose every measure so as to stall progress, halt momentum and cynically exploit simple mantras like 'great big new tax' without putting forward any new ideas for how to ensure Australia's future prosperity and safety. I believe this country deserves better. I believe this country deserves better than an opposition that pursues radical Tea Party style political tactics at the expense of informed debate. I believe this country deserves better than an opposition that ignores expert opinion and evidence-based decision making on policy in favour of simplistic slogans, fearmongering and shrill opposition to any reform on the basis of shallow, predetermined political calculus. I believe this country deserves better than an opposition leader who is motivated by attaining power rather than examining the merits of government's reforms.

The opposition is not acting in the best interests of Australia; it has given in to elements of the party who refuse to believe that Labor should ever lead this country. This is because the Liberal Party has a born-to-rule mentality. When this state of mind is unleashed so recklessly by an opposition leader like the one we currently have, it can be incredibly dangerous. The opposition leader is not an 'ordinary bloke', he is not concerned about the opinions of those he refers to as battlers and he is not humbly reflecting the will of the Australian electorate. He is the orchestrator of an incredibly destructive political strategy—

Senator Ian Macdonald: Madam Acting Deputy President, notwithstanding your last ruling, can I again draw to your attention the provisions of standing order 187, which is in the rules for some reason. Even a cursory look at Senator Polley will let anyone see that she has read every single word of this speech. Either the standing order should be removed or it should be enforced.

The ACTING DEPUTY PRESIDENT (Senator Boyce): Senator Macdonald, thank you for your comments. You are aware that there has been latitude given in the past in terms of people referring to copious notes. You are right: that is a standing order—and I think the point has been made to Senator Polley.

Senator POLLEY: I refer to the opposition leader as the orchestrator of an incredibly destructive political strategy that places a premium on obstructing positive policy outcomes so that he can attain the ultimate prize—achieving leadership of this
country at any cost. The Treasurer was exactly right when he noted that Australians face a similar choice at the coming election to that faced by United States voters at the 2012 presidential election. The United States electorate gave President Obama a second term and, in the process, rejected the policies and the politics of fear, negativity and alarmism perpetrated by a republican party that many believe has been commandeered by the Tea Party movement. They chose responsible economic management, not policies that only improved prospects for the wealthy elite. They chose informed public debate over the denigration of political decision. They chose vision over cynicism, elitism and self-interest. I believe the Australian people will see the opposition for who they really are: the opposition of opposition for opposition sake.

Senator IAN MACDONALD (Queensland) (18:23): I give Senator Polley marks for something—and that is the courage to stand up and read a speech, which, I assume, was written by someone else because, quite clearly, this is a topic in which any member of the Labor Party would hate to be involved. Clearly, the debate on the failure of the Gillard government to govern for all Australians is a debate that really does not brook any opposition. Ms Gillard has been the most divisive Prime Minister this country has ever seen.

I have been around for some time, Madam Acting Deputy President Boyce, as you know. I was here during the days of Hawke and Keating, and I have to say that Mr Keating had a colourful turn of phrase and was thought not to be interested in uniting the country—in contrast, of course, to Mr Howard. He went out of his way to bring Australians together, and he often said that the things that unite us are greater than the things that divide us. But we now have a Prime Minister whose sole way of attack is to try and divide the country, to bring back the class warfare that has never existed in Australia; it was even done away with in England, back in the 19th century. Yet we have a Prime Minister who, at every opportunity, tries to bring on class warfare to divide Australian from Australian. I am very proud to say that I belong to a political party which does not just look after farmers. It does not just look after workers. It does not just look after tradesmen. It does not just look after businesspeople. It does not just look after miners. It does not just look after Indigenous people. It does not just look after fishermen. It is a party that is for all Australians. The Gillard government is anything but that.

We have seen that the Labor Party is a party controlled by a group of people representing just 17 per cent of workers—principally government workers of Australia. The union movement completely controls the Labor Party. As one of my colleagues pointed out: Ms Gillard addresses the AWU conference and makes it clear that she is the Prime Minister for the union movement, not for Australians, not for Queenslanders, not for the broad cross-section of our country but for the AWU and its cohorts in the Australian Council of Trade Unions. She is proud to go before the AWU and say that.

Let us look at the New South Wales Labor Party and how it governed in that state. Did it govern for all Australians? Did it work to benefit everyone who lived in New South Wales? It is quite clear from the recent ICAC inquiries that Labor ministers in New South Wales governed for themselves and their rich mates in the mining industry. Senator Polley and many of her colleagues keep railing against the coalition for looking after the big mining companies. Can I say to you, Senator Polley: Mr Eddie Obeid seems to be pretty close to the mining companies that you criticise, but I have not heard you or any of
your colleagues over there at this moment criticise Mr Obeid for what seems to be a fairly clear case of big miners and big money being supported by the Labor Party in the state of New South Wales. Madam Acting Deputy President, you cannot tell me that that is a unique situation.

I now turn to the aura surrounding one of our parliamentary colleagues, Mr Craig Thomson. We see from the evidence there—and I concede nothing has been proved—that, when he was a member of the union movement, that union movement did not govern or look after the interests of all of its members, but it did for those very select few bosses at the top. Ms Gillard is the same. She is interested in a particular section of the Australian public, which she hopes might get her back into power. She has no interest in anyone else.

Madam Acting Deputy President, you just have to look at the fiasco with the hospitals. Ms Gillard and, before her, Mr Rudd were going to—remember?—end the blame game on hospitals? Remember that? What have we got now? She is taking money out of all hospitals from all states and reintroducing the blame game. And then, when there is some pressure put on her, she decides to do a special deal with the Victorians. What about my state of Queensland? What about New South Wales? What about Western Australia? Are they going to get the same deal that Ms Gillard's home state got? Why did Ms Gillard's home state get it? It was because the polling was showing that Ms Gillard's complete disinterest in the health of Victorians was starting to have an even bigger political impact on her than her dishonesty in promising never to introduce a carbon tax. So, again, we have Ms Gillard and the Labor Party governing for those people needing health assistance in Victoria. Well, as I say, what about Queensland? What about New South Wales? What about the Northern Territory? What about Western Australia? We have heard so much from the Labor Party over the decades about how they are interested—

Debate interrupted.

Proceedings suspended from 18:30 to 19:30

Senator IAN MACDONALD (Queensland) (19:30): Just before the break, an hour ago, we were debating a matter of public importance: the failure of the Gillard government to govern for all Australians. I had been pointing out, confirming and demonstrating with factual evidence the most divisive government Australia has seen. I was in parliament during the Keating years and that was pretty rough. I was around but not in parliament during the Whitlam government, which divided Australians enormously. The current Prime Minister has gone out of her way to pit Australian against Australian, to divide the country as has never been seen before. It contrasts so dramatically with the last coalition government Prime Minister, who went out of his way to reiterate that the things that unite Australians are far greater than those that divide us. Ms Gillard goes around the countryside accusing anyone who does not believe in her quite odd view on life of some sort of diminutive status. She does not have to like what other people think about climate change but you would think that, as the leader of a democratic nation, she would encourage debate and would welcome different views, but no. If you do not agree with Ms Gillard, you are a denier, a less than normal human being. That has been her way.

The Gillard government is clearly seeing its last days—I do not say that from our side of politics; I do not even say that from the commentariat—and you can see the death rattle within the Labor Party. Ms Gillard seems determined to enhance the destruction
of her own party for reasons I find difficult to understand. At the recent AWU conference on the Gold Coast in the plush casino resort, when talking to the faithful, the workers' representatives, in her performance she clearly stated that she was the Prime Minister for every unionist, not for every Australian. This is what has been so wrong with the Gillard government. It demonstrates yet again that this is a government of narrow sectional interests, a government that is not really interested in mainstream Australia and is not interested in the small business community which is the engine room of employment and progress in the Australian economy; she is only interested in those who keep her in power—that is, the union movement.

**Senator BILYK** (Tasmania) (19:33): I would like to thank the opposition for bringing forward this matter of public importance today. Once again, it demonstrates just how detached from reality they are. Do they really believe their own spin? We don't. We are governing for all Australians. We are governing for all Australians by focusing on jobs, by focusing on education, ensuring those Australians with disability get the support they deserve, and by focusing on delivering high-speed broadband so that all Australians can participate in an increasingly digital future.

One of the most important objectives in governing for all Australians is keeping unemployment low and delivering jobs. Our decisive action during the global financial crisis saved 200,000 Australian jobs, while there are 28 million people still out of work across the globe. Unemployment is low by world standards at 5.4 per cent and over 800,000 jobs have been created since Labor came to office in 2007. But we are going further. We have a plan for Australian jobs. A $1 billion investment in boosting Australian innovation, productivity and competitiveness will generate business opportunities and economic growth for the future as part of the Gillard government's plan to support and create jobs.

The government's Industry and Innovation Statement, A Plan for Australian Jobs, will back our firms to win more work at home, support industry to win new business abroad and help our small businesses to thrive and grow. Our plan will give Australian firms a fair chance to win work on major resources and infrastructure projects, improving their opportunities to gain the experience and business connections needed to successfully become part of global supply chains. It will translate the nation's research effort into better economic outcomes, by promoting collaboration between businesses and research institutions through a major new network of industry innovation precincts.

Small- and medium-sized businesses and start-up companies will also be provided with expanded business assistance and better access to finance through measures to further stimulate Australia's venture capital market. The government's strong economic management during the global financial crisis has provided a solid foundation for businesses, delivering contained inflation, low interest rates, low unemployment, solid growth and strong public finances. We are providing real, practical assistance to help people on income support get a job, by providing record amounts in funding for skills and training and, through measures like extra child care, support for parents looking for work.

The Gillard government is governing for all Australians, including those with disability. This government believes that the circumstances that you were born into should not affect your opportunities in life. Labor understands that the current system of
disability care and support is letting down people with disability, their families and carers, and we know it needs to change. That is why we are leading the way in completely transforming the disability care and support system in this country with the National Disability Insurance Scheme.

The Commonwealth will be investing $1 billion over four years in the first stage of the NDIS. The NDIS will mean more choice and control, more independence and more opportunities for people with disability to be involved in school, work and community life. An NDIS will give all Australians peace of mind to know that, if they or a loved one is born with or acquires a disability, they will get the care and support they need to lead a good life. Let us not forget that the opposition did not govern for people with disability in the 12 years they spent in office.

This government is governing for all Australians, and this includes Australian workers. We have tripled the tax-free threshold, ensuring that those who are earning the least in our society are able to take home more of their pay. It is disappointing, but not at all surprising, that those opposite opposed the tripling of the tax-free threshold. This government is governing for all Australians, including those who are financially vulnerable. We understand that there are people who need just a small amount of assistance to improve their lot in life.

The Minister for Community Services, Indigenous Employment and Economic Development, Julie Collins, last week announced an additional $1.2 million to extend the Community Development Financial Institutions initiative that gives vulnerable Australians access to small loans and financial literacy training. This initiative fills a gap for vulnerable Australians who are able to repay a loan but are excluded from the financial mainstream because of low incomes or poor credit history. These loans are used to pay for whitegoods, cars, car repairs, medical expenses, household bills, the development of microenterprises or to pay off debt, thereby creating a positive credit history.

We are governing for all Australians with changes to education. The Australian government believes in the power of education to transform lives and is committed to making every school a great school. Between 2009 and 2012 the government almost doubled its investment in schools compared with the previous four years, to around $65 billion. From 2013, the government is building on its vision for school reforms by continuing to drive change and deliver results across a range of school initiatives. Our National Plan for School Improvement is the next step in our education reform agenda. It will provide a once-in-a-generation opportunity to improve the way schools are funded and to provide our children with a fair and high-quality education system. We are also delivering a new Schoolkids Bonus to 1.3 million families of $410 a year for a primary-school child and $820 a year for a high-school child—vital financial assistance that Mr Abbott will cut if he becomes prime minister.

We have improved childcare access. There are 900,000 families now benefiting from Labor's lifting of the childcare rebate from 30 per cent under the Howard government to 50 per cent of out-of-pocket expenses. The government is also governing for all Australians through paid parental leave. More than 230,000 new parents across Australia are benefiting from up to 18 weeks leave under Labor's Paid Parental Leave scheme.
An MPI like this coming from the opposition is somewhat hypocritical because the opposition's own policies on maternity leave discriminate against mothers on lower wages. They will not be governing for all Australians. Theirs is a bizarre form of reverse need where the higher your income level the more support an Abbott government will give you. The opposition believe that someone on $150,000 a year should be paid $75,000 to have a child, while someone on $50,000 would only get a third as much. Do the opposition really believe that babies of parents on higher incomes are worth more? The opposition come into this place and claim the government does not govern for all Australians, yet they want give more money for those on higher incomes to have children than those on lower incomes. Who do they think will pay for this? The taxes of the same people who will get the lower payment amount, that is who. They will pay for it through their taxes, and they will pay for it at the supermarket checkout, when Mr Abbott puts up the price of everyday groceries through increased business taxes. Under an Abbott government wealth will be redistributed, but it will be redistributed from people on lower incomes to those who are better off.

We are governing for all Australians by building the National Broadband Network. The NBN will deliver to all Australians, either by optic fibre, wireless or satellite, high-speed broadband internet at a uniform national wholesale price no matter where they live. It will lead to improved education and health services for regional and remote Australia, as well greater opportunities for small business, agriculture and local government, to name a few. It will also allow high-quality video conferencing, making it easier to work remotely. With Minister Conroy’s announcement a couple of weeks ago that the NBN's fixed wireless and long-term satellite services will be upgraded to provide broadband speeds of 25 megabits per second download and five megabits per second upload, this is a great initiative. This upgrade represents a doubling of speed for the NBN's fixed wireless and satellite services, and means that people living in regional and remote Australia will be able to access significantly faster speeds than what is available now through ADSL services.

The opposition failed to act on broadband internet in their time in government, and their plans to tear up the NBN would leave my home state of Tasmania with a high-speed fibre optic network that is unable to fulfil its potential across the rest of Australia. I am disappointed that the Tasmanian senators in the opposition cannot support the NBN like their Tasmanian Liberal Party colleagues can. I was very pleased to see state Liberal MP Jacqui Petrusma at the Kingston Beach Digital Hub last Monday at the Future Tasmania event organised by the Department of Broadband, Communications and the Digital Economy. Obviously, Ms Petrusma understands the importance of the NBN, but the Tasmanian senators opposite do not.

The opposition speak about governing for all Australians. I think that is a joke coming from them. We are governing for all Australians by focusing on jobs and education, on ensuring those Australians with disability get the support they deserve, on delivering high-speed broadband so that all Australians can benefit from an increasingly digital future.
throughout my speech there have been interjections. As an ex-childcare worker I am very used to speaking over people who are yelling, so go for your life over there. I am happy for you to continue.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (19:43): Governing for all Australians—Senator Nash, where will we start? Let us start with the Independent Youth Allowance. Look at the disgraceful decision the government made on Independent Youth Allowance to stop people from rural and regional areas getting a tertiary education. If it had not been for the persistence and the fight by Senator Nash and others on this side, those changes would not have happened to bring some sort of fairness to the government's ridiculous Independent Youth Allowance changes. They would have been here earlier if some members of parliament, such as Mr Windsor and Mr Oakeshott, had shown some courage and had stood up for their electorates.

The national parks—look at the fires we just had at Coonabarabran. My pet hate: locking up country and leaving it. The Greens are ruling the Labor Party at a state level and a federal level simply to cause bushfires.

At the Warrumbungle National Park a few weeks ago, close to 50,000 hectares of national park and surrounds, including the visitors centre, and 33 homes were lost.

Let's look at your carbon tax. We still have more to come. We have the carbon tax, but we have the death tax to come. What is a death tax? That is how Tony Sheldon, the boss of the Transport Workers Union, described the extra $515 million of diesel tax to be placed on our truckies come 1 July 2014—if you are still in government. I give a message to all the truckies listening: if you want an extra $515 million in tax slammed on your diesel—in other words, your rebates removed—vote for the Labor Party or the Greens at the next election. Vote to put the cost of your fuel up.

What does that do for regional Australia, which relies heavily on transport? In the lovely town I live in, Inverell, we do not have a train. Everything comes in by road—including a thousand head of cattle for slaughter at the abattoirs each weekday—and everything goes out by road. The food, the supplies, the clothing, the fuel—you name it—all go by road. But you are going to put another $515 million of diesel tax on our truckies—the death tax', as Mr Sheldon called it. You are going to introduce a death tax if you stay in government, but hopefully you won't. If you do, rural and regional Australia will suffer more.

Senator Polley interjecting—
Senator Bilyk interjecting—

Senator WILLIAMS: I would love to chat about the NBN—the program for which we do not have a cost-benefit analysis. People like Senator Polley and Senator Bilyk were not willing to vote for a cost-benefit analysis on the biggest public expenditure in the history of our nation. What did you have to hide? It is all coming out now. A headline in the Armidale Express, on Wednesday, 20 February, read: 'NBN rollout farce'. They called it a farce and a farce it is. I put questions on notice for Senate estimates. I asked how many premises had been passed in Armidale, how many had hooked onto it and what the cost was. We did not get any answers. They were questions from last October's estimates. For the estimates just a couple of weeks ago, I gave notice that I wanted answers to those questions. What did I get? Nothing. What are they hiding? People in Armidale can see the waste—the contractors digging up trenches, filling them in and going nowhere.
Senator Nash, you would be interested in this. A business estate at Armidale cannot get the NBN unless they cough up $225,000.

Senator Nash: That is outrageous—$225,000!

Senator WILLIAMS: Yes, that's it—this business estate has to cough up $225,000, yet the network is being rolled past the homes of elderly people who do not even have a computer. You are rolling it past the houses of people who do not have computers and you expect the business estate to throw up almost a quarter of a million dollars for your magnificent NBN. Where is the money coming from? You are stealing it from business or borrowing it. You are experts in borrowing.

Let's talk about Labor's interest in rural Australia. I know a couple of former Labor politicians who are very interested in rural Australia. One is a bloke by the name of Eddie Obeid. The other is his former New South Wales ministerial colleague Ian Macdonald. Mr Macdonald had a special magic atlas in his office which enabled him to look at a part of regional Australia—say, the Bylong Valley—and immediately announce that there was coal there. Those two former Labor politicians had tremendous interest in rural and regional Australia. Mr Obeid knew there was real potential in regional Australia—he reckoned the real estate was really cheap. This is amazing. This is the interest we see from the Australian Labor Party in rural and regional Australia. Time will deliver more.

Senator Polley interjecting—

Senator WILLIAMS: I have a simple question to ask. Perhaps Senator Polley will take it on notice. Perhaps she could explain to the Senate how many cabinet ministers in the Gillard government live in rural or regional Australia? I know the answer. The answer is none—not one. They are city people who think they understand rural and regional Australia. Not one of your cabinet ministers lives in a rural area. That must be terribly embarrassing for you when you argue against this motion of Senator Fifield's in which we say you haven't been fair. The way you have treated rural and regional Australia is a disgrace. The people of Australia are going to let you and your colleagues the Greens—and their very close friends, Mr Windsor and Mr Oakeshott—know that in the biggest way possible on 14 September. The people have the final say.

We saw it last weekend. This government governs for 20 per cent of working Australians. These days around 20 per cent of workers are members of unions. We saw it all at the AWU conference. We saw Mr Paul Howes, the man who brought down a prime minister. What was his great message for the weekend? 'You in the Labor Party, get behind the Prime Minister. Be supportive of her. Be stable. Do not be divisive. You must support Prime Minister Julia Gillard.' What did Paul Howes himself do in June 2010? He was one of the faceless men who did away with the previous Prime Minister, Mr Kevin Rudd. Yet here he is with a halo around his head, with the cameras there so all Australians can see, lecturing all at the AWU conference: 'Get behind the Prime Minister'. The word hypocrisy comes to mind, Mr Howes.

This is the very person who had around 4,000 people protesting outside the front of this building about the carbon tax which was never going to be introduced. He said on TV that there were about 350. The man cannot even count, although he can count numbers when it comes to doing away with prime ministers. But now he is saying, 'Let's get behind her.' As I said, only 20 per cent of workers are in the union movement, yet Prime Minister Gillard was there, saying how she loved the unions, how they would
get so strong together and how they would unite.

No, Prime Minister, you are dividing. How can you represent the workers of this country—the Aussie battlers—when you go and love up to the 20 per cent of workers represented by the unions? And that figure will go down. I wonder how the membership of the Health Services Union is going? Are they signing up new members, I wonder, or are their members just pulling the pin and leaving? If they were pulling the pin and leaving—resigning from the union—I could understand that.

Consider the lady who is cleaning the bathroom and toilets in the hospital tonight: she might be 60 years old—a good solid worker; reared a family; a battler; she and her husband paid for the house. If she resigned from the Health Services Union, would you blame her? Would you blame her, to see where her union fees had gone? You would not blame her one bit. I can assure you there will be more to come out in the future, too, in this chamber. But do not think that the Health Services Union is the only union that has abused members' contributions and membership fees. I must say that I was a member of the Australian Workers Union for 12 months. It was in the days when they said unionism was not compulsory but that I had an option: join the union or leave the shearing shed. This was the compulsory unionism that we faced back in 1978. They would not do it today. That is what we faced.

You are a government of division. The way you have divided rural and regional Australia from the urban areas is unbelievable. You look after where your votes are and you do not care about the rest. I look forward to a change in government when we can govern for all Australians, be fair to small business, be fair to education, be fair to an independent youth allowance and be fair to those who are having a go. For too long, you have rewarded failure and penalised success. That is what you are about. I can go to the private health insurance rebate—'We will never remove that. No, it's a promise,' said shadow minister Roxon. 'We will never remove that.' Well, of course you did.

The people do not trust you. That is why Australians are turning against you. You cannot keep your word. You break your promises; you break your commitments. They will let you know, come 14 September this year.

Senator SINGH (Tasmania) (19:53): I rise to speak on this matter of public importance. For the coalition to talk about governing for all Australians is quite remarkable when we think that under a coalition government we would have the richest mining companies in this country paying less tax. We would have low-income earners certainly being worse off, let alone what to think about the working families of this country. We have form by the coalition in this area; that is why they are in opposition. The Australian people will never forget that the reason the coalition are in opposition is their attack on working men and women in this country from their policy on Work Choices—that is why they were voted out. They talk about governing for all Australians but we know that the pockets of those friends of the Liberal Party belong to the higher echelons of income earners. They are the ones the Liberal Party will respond to. Forget the rest of the working people. We know this because of the form that they displayed while they were in government.

Senator Williams talks about the NBN. Coming from Tasmania, I have not met one
person—not one person—in Tasmania who has said they do not want the NBN or that the NBN is a bad idea. In fact, it is to the contrary. It cannot be laid fast enough. Businesses are demanding it. The growth in small business is going to be phenomenal, when a business can be located in Tasmania, as opposed to being in a big city like Melbourne or Sydney, because it has that technological advantage. It is absolutely rubbish to say, 'Where is the money going into the NBN; where is it spent?' It is also rubbish to talk about where money is going and where it will be spent when we think about coalition policy and the big $70 billion black hole that they still have festering in a corner—the elephant in the room, shall we call it? It is the thing they do not want to talk about: 'We don't want to lift the lid on that one, do we? Oh no, what's going to happen?'

We had Mr Joe Hockey in Tasmania today. He certainly did not want to talk about the $70 billion black hole. No, not at all. Then Senator Williams spoke about division. Well, let us talk about division. When we look at the coalition's policy on GST distribution, we had Mr Hockey in Tasmania today saying that Tasmanians would not be worse off under the allocation of the GST under the coalition. Tasmania will not be worse off, said Mr Hockey. Yet only a week ago we had the Deputy Opposition Leader Julie Bishop claiming that Tasmania was 'getting handouts from Western Australia'. She said in an interview on Sky News on 10 February:

We agree that Western Australia should have a fair go and will certainly be looking at the GST in government.

Divided or united? Which way are you on GST distribution? We can go a bit further. Let us go to the Leader of the Opposition. Tony Abbott himself has flagged that Tasmania's GST allocation will be on the chopping block under a coalition government. He said:

I think that does seem quite unfair, that the people of Western Australia get so little back from the GST revenue that they provide to the rest of the country.

Well, well. There is absolutely no uniting on the issue of GST distribution, yet here is Mr Hockey coming to Tasmania, bells and whistles, pretending he is a friend to all Tasmanians and they will not be worse off. Joe Hockey repeatedly gave hollow assurances today that Tasmania would not be worse off. He failed. The answer is in the detail that he did not give. That answer is he failed to rule out that the introduction of a per capita distribution system, being demanded by the Liberal Premiers and Treasurers in all the states where there are Liberal governments, would be ruled out. On the one hand he says that Tasmania will not be worse off and, on the other hand, we have Ms Julie Bishop and the leader of the coalition saying exactly the opposite. I do not know if there is a better example of division in the coalition right now than on that issue of GST distribution.

We on this side of the chamber govern for all Australians. I am very proud to stand here as a member of the Gillard Labor government and to look at the record that we have in delivering for all Australians and especially for a number of disadvantaged Australians—particularly those who are waiting for the date when we have a national disability insurance scheme. The coalition did nothing on this issue while they were in government. They had 11 years to act and do something on this issue.

Senator Edwards: With 10 surpluses.

Senator SINGH: With surpluses? Another good reason why you did not get on with it. We are following through and getting on with ensuring that launch sites are funded...
and, eventually, we will then roll out a national disability insurance scheme in this country, something that no Australian would think a bad thing.

On top of that, we have supported Australians in a number of ways. We have supported women in the workforce through recognising the value of workforces that are predominantly comprised of women through the SACS equal pay case. We have supported mums and dads to further their careers and get back into the workforce with paid parental leave. We have also legislated a carbon price, something that is being followed and has been followed for some time across the globe. That will build jobs for the future and a clean energy economy—another thing that is under threat of being wiped out if a coalition government were to get their hands on it. On top of that, we have planned a strong Australian manufacturing industry, including delivering a $1 billion plan to encourage big projects to use locally produced materials. It is a really important thing for states like the one that I and a number of other senators in this place represent to use locally produced materials first and foremost.

On top of that the Prime Minister yesterday highlighted the need for ensuring that literacy education is the top priority in our schools. I know that she is very passionate about this area, being a former minister for education. The Gonski reforms, delivered through A National Plan for School Improvement, are designed to help all students achieve. Again, we are governing for all Australians. This plan is designed so that all students can achieve—not just a select few in certain schools but all students in all schools. Direct funding, therefore, will be provided on a per capita basis with a loading based on need.

There is nothing going on among senators opposite. They are not lobbying Liberal states to ensure that these national school improvements get through and that we have a national curriculum. Look at New South Wales, Victoria and Queensland. Those coalition states are neglecting and ripping money out of education when at this point in time we need to be skilling up our workforce and educating our students for the transition into our new economy. More than ever, we need the support of all the states, whether they are Liberal or Labor. We need them to come on board and be part of A National Plan for School Improvement.

If the coalition senators really cared about governing for all Australians—if they really had some interest beyond the politics—then they would do something about this. They would pick up the phone to the states with Liberal premiers and say: 'This is about our future, our children and our children's children and ensuring that they get the best education, the education that they need as we move into a new and transformed economy—a new economy with jobs that we have not even thought of yet.' But of course they say no. They are the 'no' party. They have been the 'no' party from day one and they will continue to be the 'no' party right up until election day and beyond. They do not really know what they stand for. They stand for no—we all know that much. Other than that, I do not think that there is anything there. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Pratt): Order! The time for the discussion of the matter of public importance has expired.
MINISTERIAL STATEMENTS

Tabling

Afghanistan Transition

Transport Safety and Security Cooperation with Indonesia

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (20:04): I present ministerial statements as listed at item 11 on today's Order of Business:

Afghanistan Transition, made in the House of Representatives on 7 February 2013; and


Senator MILNE (Tasmania—Leader of the Australian Greens) (20:04): I seek leave to move a motion to take note of the ministerial statement regarding Afghanistan.

Leave granted.

Senator MILNE: I move:

That the Senate take note of the document.

I note with interest that the minister says: Australia must continue to be clear-sighted about our objective in Afghanistan.

But that is the problem: Australia has not been clear-sighted about our objective in Afghanistan for quite some time.

There is no more grave responsibility or decision by any country's leader than to choose to send young men and women to war to risk their lives for our country. As Major-General Cantwell said in his book, which was published last year:

We need to have a crystal clear understanding of why we're getting into the fight, how long for, what we hope to achieve, how we will leave, and what conditions might prompt us to change strategy—this has let us down in Afghanistan. Human beings die as a result of warfare.

I want to come to the Australian government's decision to now be engaged in the transition out of Afghanistan. In particular, the minister said in his statement:

Our objective is to prevent Afghanistan from again becoming a safe haven for terrorists.

He then went on to talk about the transition and said:

Australia will continue to remain firm in our support to Afghan security forces and firm in our commitment to the transition strategy that Australia and the international community, acting under a United Nations mandate, have agreed to implement.

The point that I wanted to discuss tonight in particular is the situation of women in Afghanistan. As one such woman said recently:

You can't have a secure Afghanistan unless Afghan women are safe. The knowledge that there is a comprehensive plan to secure women's safety is what will enable Afghani women to actively participate in public life and shape their country's future.

Unfortunately, the Australian government has no such comprehensive plan. In Minister Smith's latest statement to the parliament, women are mentioned three times and only in relation to Australia's service men and women.

Not once are the women of Afghanistan mentioned in the government's statement of transition out of Afghanistan. Of course I support the references to supporting Australia's service men and women with as much capacity as we have, particularly servicing their physical and mental health needs on their return. But the women of Afghanistan deserve our consideration.

Not once in the seven statements made to parliament or two speeches to NATO and ISAF has the minister ever talked about the vital importance of securing women's rights during the transition for the future prosperity of Afghanistan. And this is despite the fact...
that his department has signed up to the Australian National Action Plan on Women, Peace and Security 2012-2018 to support, and I quote, 'capacity building for women in fragile conflict or post-conflict settings', and for 'putting in place specific strategies to promote the participation and protection of women and girls'. There is no sign of any concrete implementation.

The minister's latest statement is focused on improvements in Afghanistan. For an honest assessment, it is just as important as discussing the data that shows deterioration. Violence against women is one of these crucial indices of progress, but it is not mentioned. The Afghanistan Independent Humans Rights Commission recorded 4,010 cases of violence against women in 2012, up from 2,299 in 2011. Perversely, this may be a sign of empowerment because more women are finding their voice to publicly register their humiliation. But what its absence from the minister's statement highlights is that women's rights are not seen as a guiding priority of Australia's involvement. The Greens find that shameful. We must make women's rights in Afghanistan a key component of Australia's contribution during this transition.

The Afghan Australian Development Organisation, a fantastic NGO established through the hard work and dedication of Nouria Salehi, empowers women in Afghanistan through funds raised in Australia. They provide vocational training and literacy programs for women and young people in Kabul and nearby villages, as well as accredited formal training programs for science teachers. Back in Australia they assist Afghans to settle into Australia and overcome the trauma experienced both in their home country and in our detention centres. They are a member of ACFID and have a local office in Afghanistan to support local community development.

Last month, a delegation of 50 eminent Afghan MPs and Afghani Australian civil society leaders came together to develop recommendations for the Australian government. They then briefed both the government and the opposition spokeswoman, in that case Julie Bishop, on the overarching recommendations. The first one was that Australia use its place on the UN Security Council to ensure that women, peace and security provisions are entrenched in all resolutions dealing with Afghanistan. Most importantly for the purposes of the minister's statements is the upcoming mandate for NATO ISAF in October 2013. I would like to put the government on notice. It is essential that Australia use its place on the Security Council to highlight the role of women and to make sure that they are there in the peace and security provisions.

Secondly, make Afghanistan a priority country for national action plans for women, peace and security, with each government department implementing and monitoring a plan accompanied by a budget measure starting this May. You cannot say that you are serious as a government on national action plans for women, peace and security if you are not prepared to put a figure against it in the case of women in Afghanistan. Thirdly, the recommendation was that AusAID make gender equality the priority for their new country strategy, particularly focusing on the development within Afghan institutions and women's organisations.

Certainly, the Greens support those recommendations. Why would we not provide support to Afghanistan to achieve 25 per cent representation of women at elected bodies as per the Afghanistan Constitution, as well as achieve 30 per cent representation of women in leadership in all government bodies as per Afghanistan's commitment to the Millennium Development Goals by 2020? Why would we not provide direct
technical and capacity building support to women to facilitate their involvement at the table in the peace and reconciliation process? Women's presence is not enough to meaningfully participate; women need an enabling environment and capacity building support both at the national and at the provincial levels.

When we ensure the exit of combat troops, we need to make sure that that is matched by increased support to gender sensitivity training and mentoring of the Afghan National Army, in particular the Afghan National Police. The Australian security sector training and mentoring should specifically focus on Afghan laws that protect women, human rights law and gender sensitive reforms. We must provide funding to the forces in Afghanistan after the main withdrawal of international troops to make sure that we build the Afghanistan National Security Forces' capacity to implement laws that protect women. We need to make sure that we support increased participation of women in the Afghan National Security Forces in high-level and local level decision making and especially the National Security Council.

I cannot see why we would not, in Australia, also make sure that we continue to support and resource the increased participation and access of women and girls to education through literacy and accelerated learning programs. Of course, we should focus on eliminating violence against women in Afghanistan by supporting Afghan civil society in the elimination of violence against women in law in Afghanistan.

I put on the record my disappointment that the minister has not, again, mentioned the plight of women in Afghanistan in this transition. If we are serious about having a plan which secures Afghanistan in the long term then we must protect the rights of women and girls in Afghanistan to participation and education, and we must use some of our aid budget and our transition money to that end. I think we could expect from the government some outspoken support in the UN Security Council. Australia has now got a unique position in the UN Security Council to raise and support this issue of empowerment of women in Afghanistan.

Question agreed to.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT

(Senator Pratt) (20:15): I present documents listed on today’s Order of Business at item 12 which were presented to the Deputy President and temporary chairs of committees after the Senate adjourned on 7 February 2013.

The list read as follows—

Committee reports


2. Economics References Committee—Report—Order for the production of documents—Minerals Resource Rent Tax: Revenue (received 19 February 2013)

3. Legal and Constitutional Affairs Legislation Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Exposure draft and explanatory notes of the Human Rights and Anti-Discrimination Bill 2012

Government response to parliamentary committee report

Parliamentary Joint Committee on Law Enforcement—Report—Inquiry into Commonwealth unexplained wealth legislation and arrangements (received 21 February 2013)

Government documents
1. Private Health Insurance Administration Council—Report for 2011-12 on the operations of private health insurers (received 8 February 2013)

2. 2009-10 Local Government National Report (received 18 February 2013)

3. Foreign Investment Review Board—Report for 2011-12 (received 22 February 2013)

**Reports of the Auditor-General**

Report no. 22 of 2012-13—Performance audit—Administration of the Tasmanian Forests Intergovernmental Agreement Contractors Voluntary Exit Grants Program: Department of Agriculture, Fisheries and Forestry (received 21 February 2013)

**Letters of advice relating to Senate orders**

Letter of advice relating to lists of departmental and agency appointments and vacancies: Office for Sport (received 19 February 2013)

**Letters of advice relating to lists of departmental and agency grants:**

Department of Education, Employment and Workplace Relations (received 11 February 2013)

Office for Sport (received 19 February 2013)

**COMMITTEES**

Law Enforcement Committee

**Government Response to Report**

The ACTING DEPUTY PRESIDENT (Senator Pratt) (20:15): In accordance with the usual practice and with the concurrence of the Senate the government response will be incorporated in Hansard.

*The response read as follows—*

GOVERNMENT RESPONSE TO THE PARLIAMENTARY JOINT COMMITTEE ON LAW ENFORCEMENT’S INQUIRY INTO COMMONWEALTH UNEXPLAINED WEALTH LEGISLATION AND ARRANGEMENTS

In February 2010, the Crimes Legislation Amendment (Serious and Organised Crime) Act 2010 (Cth) introduced provisions for the making of unexplained wealth orders into the *Proceeds of Crime Act 2002* (Cth) (the POCA). These laws are designed to target senior organised crime figures who often derive large profits from illegal activity but distance themselves from the commission of actual offences.

On 19 March 2012, the Parliamentary Joint Committee on Law Enforcement (PJCLE) handed down the final report on its Inquiry into Commonwealth unexplained wealth legislation and arrangements.

The Government would like to thank the PJCLE for its comprehensive examination of the Commonwealth’s unexplained wealth laws.

The Government has accepted 15 of the Committee’s 18 Recommendations (either wholly or in part).

Organised crime is motivated by the huge profits that can be made through illegal activity. The Government is committed to ensuring that it has strong laws to target the criminal economy; not only removing the proceeds of crime, but also preventing its reinvestment into further criminal activity.

**Recommendation 1:**

That the objects of the POCA be amended so as to include a statement about undermining the profitability of criminal enterprise, including but not limited to serious and organised crime. Such a statement should be drafted in such a way to avoid causing unnecessary complication of unexplained wealth proceedings.

**Noted**

While the Government agrees that one of the key purposes of unexplained wealth laws is to undermine the business model of serious and organised Crime by eliminating criminal profits, the Government considers that this is sufficiently captured by the objects currently listed in section 5 of the POCA.

In particular, paragraphs 5(a), (ba) and (d) provide that the purposes of the POCA include:

- depriving persons of the proceeds of offence and other benefits, the instruments of offences and benefits derived from offences
• depriving persons of unexplained wealth amounts that the person cannot satisfy a court were not derived from certain offences, and
• preventing the reinvestment of proceeds, instruments, benefits, literary proceeds and unexplained wealth amounts in further criminal activities.

The Government considers that it is important that the objectives of the POCA are framed broadly in a way that does not restrict the circumstances in which the laws may need to be used in the future.

**Recommendation 2:**
That the Commonwealth Government explore the possibility of amending legislation to allow the Australian Crime Commission (ACC) Board to issue a determination on unexplained wealth, so as to enable the ACC to use its coercive powers to provide evidence in support of unexplained wealth proceedings.

**Agree**
The Government will consider the feasibility of allowing the ACC to use its coercive powers in support of unexplained wealth proceedings, as well as whether there would be a need for the ACC Board to issue a new determination for this purpose.

**Recommendation 3:**
That the *Australian Crime Commission Act 2002* (ACC Act) and the POCA be amended as necessary to make clear that the ACC's examination material can be used as evidence in proceedings under the POCA.

**Agree in principle**
The ACC Act already enables the use of ACC examination material in proceedings under the POCA. Section 12 of the ACC Act allows for evidence that would be admissible in confiscation proceedings to be shared with a relevant law enforcement agency.

Subsection 30(5) of the ACC Act also provides that an answer, document or thing given in an ACC examination can be used in confiscation proceedings.

As such, the Government does not consider that it is necessary to amend the ACC Act or the POCA.

**Recommendation 4:**
That the POCA be amended so as to enable an ACC examiner to conduct examinations in support of unexplained wealth proceedings after a restraining order has been made by a court.

**Noted**
While it might be possible to legislate to allow a court to enable an ACC examiner to conduct examinations in support of unexplained wealth proceedings, where the ACC examiner had discretion as to whether to conduct an examination, such a change would raise complex issues, including judicial power issues.

The Government notes that the POCA already contains extensive examination provisions which allow for the examination of any person about the affairs of

(a) a suspect
(b) a person who has an interest (or claims an interest) in property, and
(c) the spouse or de-facto partner of either of the above.

A significant number of examinations have previously been conducted under the POCA. There is no evidence to suggest that the POCA examination provisions are deficient or ineffective.

In light of the above, the Government does not intend to amend the POCA at this time.

That said, the Government agrees with the PJC-LE's observations that there are advantages in the expertise and knowledge of the ACC being able to be actively utilised during proceeds of crime investigations relating to serious and organised crime. The Attorney-General's Department will work with the ACC to further explore the option of ACC examiners becoming approved examiners under the POCA.

**Recommendation 5:**
That search warrant provisions of the POCA be amended so as to allow for the collection of evidence that is relevant to unexplained wealth provisions. The committee's preferred means of amending the provisions would be to amend:

• Subsection 228(1) to enable material that is relevant to an unexplained wealth proceeding
to be seized during execution of a search warrant; and

- Subparagraph 228(1)(d)(iii) to remove the requirement that the evidential material relate to an indictable offence.

**Agree**

The Government has introduced the Crimes. Legislation Amendment (Organised Crime and Other Measures) Bill 2012 containing amendments to ensure that material relevant to unexplained wealth proceedings can be seized when searching premises under a warrant.

**Recommendation 6:**

That the Criminal Assets Confiscation Taskforce be prescribed as a taskforce under the *Taxation Administration Act 1953* and associated regulations.

**Agree**

In December 2011, the Criminal Assets Confiscation Taskforce was prescribed as a Taskforce under the *Taxation Administration Regulations 1976* to allow the disclosure of taxation information to the Taskforce for law enforcement purposes.

**Recommendation 7:**

Amend the *Telecommunications (Interception and Access) Act 1979* so as to allow the Australian Taxation Office (ATO) to use information gained through telecommunications interception, in the course of joint investigations by taskforces prescribed under the *Taxation Administration Act 1953*, for the purpose of the protection of public finances.

**Noted**

The ability to use intercepted information for an agency's own purposes is currently limited to interception agencies (law enforcement and anti-corruption agencies) that are investigating prescribed offences (generally a serious offence or an offence punishable by imprisonment for a period of at least 3 years). Section 67 of the *Telecommunications (Interception and Access) Act 1979* (TIA Act) only allows the ATO to deal with existing intercepted information in order to assist with investigations being conducted by these agencies. Currently, the ATO cannot subsequently use this intercepted information for its own investigations or tax assessments, and cannot request interception information for the ATO's own purposes.

While the Government agrees in principle that amending the information sharing provisions in the TIA Act will allow agencies to more fully cooperate, appropriate limitations on the use of existing intercept information will also need to be assessed. To enable appropriate consideration of this recommendation, the Attorney-General's Department has sought advice from the ATO on how the ATO proposes to use existing intercepted information in its taxation assessment taskforces, including the offences the ATO wishes to investigate using intercepted information. The Department will continue to liaise with the ATO on this issue. This issue has also been raised by the ATO in its submission to the Parliamentary Joint Committee on Intelligence and Security's inquiry into potential reforms of national security legislation, which is considering reforms to the Commonwealth's telecommunications interception regime, among other issues.

**Recommendation 8:**

That the POCA be amended so as to eliminate the requirement for authorised officers to meet an evidence threshold test for a preliminary unexplained wealth order where the evidence threshold test for a restraining order has already been met. Any amendment should recognise the need to be able to update an affidavit to reflect new evidence as appropriate.

**Agree in principle**

The Government will consider options for improving the process for seeking preliminary unexplained wealth orders to reduce duplication where relevant requirements have already been met at the restraining order stage.

Any amendments will ensure that any additional information that is uncovered after the affidavit for the restraining order has been sworn is still taken into account when the preliminary unexplained wealth order is sought.

**Recommendation 9:**

That provision be made for extending the time limit for serving notice of a preliminary unexplained wealth order to accommodate extraordinary circumstances.
Agree

The Government has introduced the Crimes Legislation Amendment (Organised Crime and Other Measures) Bill 2012 containing amendments to the POCA to enable a court to extend the time limit for serving notice of a preliminary unexplained wealth order where the court considers it appropriate to do so.

Extending the time limit for giving notice of an application for a preliminary unexplained wealth order will make the provisions more flexible in circumstances where it is not possible for notice to be given within seven days of an application being made. For example, this may cover situations where a suspect is attempting to avoid service of the notice or is temporarily absent from the jurisdiction. A court will have the discretion to extend the time limit for serving notice, which will ensure that extensions are only granted in appropriate circumstances.

**Recommendation 10:**
That legal expense and legal aid provisions for unexplained wealth cases be harmonised with those for other POCA proceedings so as to prevent restrained assets being used to meet legal expenses.

Agree

The Government has introduced the Crimes Legislation Amendment (Organised Crime and Other Measures) Bill containing amendments to the POCA to prevent restrained assets being used to meet legal expenses.

The ability of a person to dispose of restrained property to meet their legal costs weakens the effectiveness of the unexplained wealth provisions by allowing the wealth suspected to have been unlawfully acquired to be used to contest proceedings. This may lead to fewer assets being available for confiscation if an unexplained wealth order is successful.

A person who is subject to a restraining order will continue to be entitled to representation by a legal aid commission.

**Recommendation 11:**
That the enforcement provisions for unexplained wealth orders include an ability to create and register a charge over property that has been restrained by the court to secure the payment of an unexplained wealth order.

Agree

The Government has introduced the Crimes Legislation Amendment (Organised Crime and Other Measures) Bill 2012 containing amendments to the POCA to enable a charge to be registered over restrained property to secure the payment of an unexplained wealth order. This amendment will improve the enforcement of unexplained wealth orders by ensuring that restrained property can be used to satisfy an unexplained wealth order if a person does not pay an unexplained wealth amount.

**Recommendation 12:**
That the court's discretion to make a restraining or preliminary unexplained wealth order under subsections 20A(1) and 179B(1) of the POCA be removed in cases where the amount of unexplained wealth is more than $100 000, so that the court must make the order in cases over $100 000.

Agree

The Government has introduced the Crimes Legislation Amendment (Organised Crime and Other Measures) Bill 2012 containing amendments to the POCA to remove a court's discretion to make a restraining or preliminary unexplained wealth order where the amount of unexplained wealth is suspected to be more than $100 ODO. This will provide greater certainty to parties litigating unexplained wealth matters and is consistent with the approach to other types of POCA orders.

**Recommendation 13:**
That the court's discretion to make an unexplained wealth order under subsection 179E(1) of the Proceeds of Crime Act 2002 be removed where the amount of unexplained wealth is above $100 000, and that the following additional statutory oversight arrangements be made:
- law enforcement agencies must notify the Integrity Commissioner of unexplained wealth investigations;
• the Ombudsman must review and report to Parliament the use of unexplained wealth laws in the same way that Ombudsman does for controlled operations; and
• the oversight by the Parliamentary Joint Committee on Law Enforcement be enhanced so that in addition to appearing when required, that the ACC, AFP, DPP and any other federal agency or authority must brief the committee on their use of unexplained wealth provisions as part of the committee's annual examination of annual reports of the ACC and AFP.

Agree in part

The Government will introduce amendments to the POCA to remove the court's discretion to make an unexplained wealth order where the amount of unexplained wealth is above $100 000. This will provide greater certainty to parties litigating unexplained wealth matters and is consistent with the approach to other types of POCA orders.
The Government agrees that oversight of unexplained wealth powers is important.
The Government will put measures in place to ensure that unexplained wealth investigations and litigation is appropriately reported by enhancing the PJC-LE's oversight of agencies' use of the unexplained wealth provisions, including by requiring the ACC, AFP and any other relevant federal agencies to report annually to the Committee on the number of unexplained wealth investigations and any proceedings that they have conducted. The PJC-LE will have the power to examine relevant agencies on these reports.
The Government does not propose requiring law enforcement agencies to report unexplained wealth investigations to the Integrity Commissioner or requiring the Ombudsman to review and report to Parliament on the use of unexplained wealth laws.
The Integrity Commissioner is already empowered to review any allegations of corrupt conduct by law enforcement agencies, including in relation to unexplained wealth. However, the Integrity Commissioner does not have a monitoring role in relation to law enforcement tools more generally. As such, requiring agencies to notify the Integrity Commissioner of unexplained wealth investigations would be a significant departure from the Integrity Commissioner's current role and of limited utility unless this information was specifically linked to corruption issues.

The Commonwealth Ombudsman can also already receive complaints about, or conduct investigations by his or her own motion into, the actions of AFP members or the policies, practices and procedures of the AFP in relation to unexplained wealth provisions. Consequently, it is not considered necessary for the Commonwealth Ombudsman to be required to report to Parliament on the use of unexplained wealth laws.
Unlike controlled operations and other types of covert investigation powers, unexplained wealth proceedings are heard and determined by a court. As such, unexplained wealth proceedings are able to be contested by an affected person. This ensures that there is independent judicial oversight of how unexplained wealth proceedings are conducted.

Recommendation 14:
That the Commonwealth Government take the lead in developing a nationally consistent unexplained wealth regime.

Agree

The Government supports the development of a nationally consistent unexplained wealth regime. While there are a number of ways that nationally consistent unexplained wealth laws could be achieved, the Government considers that the most effective way is through a referral of powers.
The Attorney-General raised a possible referral of powers with her State and Territory counterparts at meetings of the Standing Council on Law and Justice on 13 April 2012 and 5 October 2012.

Recommendation 15:
That the Australian Government seek a referral of powers from the states and territories for the purpose of legislating for a national unexplained wealth scheme, where unexplained wealth provisions are not limited by having to prove a predicate offence.

Agree
The Attorney-General raised a possible referral of powers from the States with her State and Territory counterparts at meetings of the Standing Council on Law and Justice on 13 April 2012 and 5 October 2012.

The Government notes that the precise scope of any national unexplained wealth scheme would need to be considered carefully having regard to constitutional limitations.

**Recommendation 16:**
That the Commonwealth Government actively participate in efforts to establish international agreements relating to unexplained wealth.

**Agree**

The Government will explore the potential to establish international agreements on unexplained wealth with suitable partner countries, as part of its broader agenda to improve international cooperation in relation to criminal asset confiscation matters.

**Recommendation 17:**
That the Commonwealth Government create and commit to a plan for the development of national unexplained wealth scheme including the following elements:

- identification and implementation of short-term measures including cooperation with states with existing unexplained wealth legislation;
- negotiation with States and Territories to create or improve supporting mechanisms such as equitable sharing programs and mutual assistance provisions in all jurisdictions, as well as the development of guiding principles around unexplained wealth;
- a final objective of achieving a referral of powers from States and Territories to enable the Commonwealth to legislate for an effective and nationally consistent unexplained wealth scheme.

**Agree**

The Government supports the development of nationally consistent laws for dealing with criminal organisations and the confiscation of criminal assets, to ensure that no jurisdiction becomes a safe haven for serious and organised crime.

As noted above, the Attorney-General raised a possible referral of powers from the States with her State and Territory counterparts at meetings of the Standing Council on Law and Justice on 13 April 2012 and 5 October 2012.

The Government will work with the States and Territories on measures to improve cooperation on the confiscation of criminal assets, including the implementation of equitable sharing programs and mutual assistance provisions in all jurisdictions, as well as the development of guiding principles around unexplained wealth.

This will build on measures agreed to by the then Standing Committee of Attorneys-General in December 2010 to enhance cooperation in targeting the proceeds of organised criminal groups.

**Recommendation 18:**
That the Commonwealth Attorney-General immediately place the issue of harmonisation of unexplained wealth laws on the agenda of the Standing Committee on Law and Justice.

**Agree**

As noted above, the Attorney-General placed unexplained wealth on the agenda for the Standing Council on Law and Justice's meetings on 13 April 2012 and 5 October 2012.

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**Legal and Constitutional Affairs Legislation Committee Report**

**Senator POLLEY** (Tasmania—Deputy Government Whip in the Senate) (20:15): I move:

That the report of the Legal and Constitutional Affairs Legislation Committee be printed.

Question agreed to.

**COMMITTEES Consideration**

**Senator POLLEY** (Tasmania—Deputy Government Whip in the Senate) (20:15): I seek leave to move a motion to provide for
consideration of the committee reports and the government response just tabled.
Leave granted.

Senator POLLEY: I move:
That consideration of the committee reports and the government response to a committee report be listed on the Notice Paper as separate orders of the day.

Question agreed to.

DOCUMENTS
Tabling

The ACTING DEPUTY PRESIDENT (Senator Pratt) (20:16): I present the 2012 supplement to the register of Senate committee reports.

Tabling

The ACTING DEPUTY PRESIDENT (Senator Pratt) (20:16): I present responses to Senate resolutions as listed at item 13 on today's Order of Business.

The list read as follows—
Responses to resolutions of the Senate:
Minister for Foreign Affairs (Senator Bob Carr)—Malaria, and global hydro fluorocarbons phase-out
Minister for Health (Ms Plibersek)—Female genital mutilation
Minister for Foreign Affairs (Senator Bob Carr)—Access to sanitation
Premier of Western Australia (Mr Barnett)—Conviction records

AUDITOR-GENERAL'S REPORTS
Auditor Report No. 21 of 2012-13

The ACTING DEPUTY PRESIDENT (Senator Pratt) (20:16): In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Audit report No. 21 of 2012-13, Performance audit: individual management services provided to people in immigration detention, Department of Immigration and Citizenship.

COMMITTEES
Foreign Affairs, Defence and Trade Joint Committee

Government Response to Report

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (20:16): I present the government's response to the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade on its review of the Defence annual report 2010-11 and seek leave to have the document incorporated in Hansard.

Leave granted.

The document read as follows—

Australian Government response to the Joint Standing Committee on Foreign Affairs, Defence and Trade report:
February 2013
Recommendation 1
A Strategic Reform Program (SRP) Summary Chapter be added to the Defence Annual Report to provide a consolidated overview of the SRP.

Government Response

Agreed in part

Defence has partially met this recommendation by providing the top-level representation of SRP results for the year in the appendix. Defence has retained the integrity of the Defence Annual Report construct of outcomes, output group and programs. Thus the SRP performance is reflected within each of these elements. Future Defence Annual Reports will be structured in a similar way.

Corporations and Financial Services Committee
Report

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (20:17): I present the report of the Parliamentary Joint
Committee on Corporations and Financial Services on the 2011-12 annual report of bodies established under the ASIC Act.

Ordered that the report be printed.

Human Rights Committee Report

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (20:17):

On behalf of the Parliamentary Joint Committee on Human Rights, I present the second report of 2013 of the committee on the examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011.

Ordered that the report be printed.

Senator POLLEY: I seek leave to incorporate a statement in Hansard.

Leave granted.

The statement read as follows—

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS
SECOND REPORT OF 2013
TABLING STATEMENT (SENATE)
MONDAY 25 FEBRUARY 2013

In this second report of the Parliamentary Joint Committee on Human Rights for 2013 the committee sets outs its comments on the Australian Sports Anti-Doping Authority Amendment Bill 2013.

In the normal course of events, the committee would not table its comments on this bill until Wednesday 13 March 2013, when it will publish its comments on bills introduced during the period 5 to 28 February. I would therefore like to take a few moments to outline to the Senate the committee's reason for expediting publication of its comments in this instance.

This bill has been referred to the Senate Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 12 March 2013.

The PJCHR has identified a number of human rights matters in relation to this bill and has decided to seek further clarification from the Minister in relation to some of them. These include matters relating to civil penalty orders, the right to privacy and the right to family life.

The committee has raised similar concerns in relation to a number of bills considered in previous reports.

I would like to stress that the committee's sole intention in publishing its comments on this bill at this early opportunity is to ensure that the Senate Rural and Regional Affairs and Transport Legislation Committee has the benefit of these comments early in its own consideration of the bill. The committee hopes that this will result in the Minister's response to the committee's comments on the bill being available to the Senate committee before it concludes its inquiry.

From its earliest days, the committee has recognised the desirability of placing information regarding the human rights implications of bills and instruments before the Parliament at an early opportunity. The volume of bills and instruments, together with the realities of the sitting pattern and the committee's preference for tabling reports in a predictable cycle when both houses are sitting, can present challenges to achieving this.

In the Chair's statement to the House at the end of last year, he said that in 2013 the committee would focus on working more effectively with other parliamentary committees, particularly where they have been charged with examining particular bills and instruments. He said that it was the committee's aim to draw the attention of these committees to its reports where such comments are relevant to particular inquiries.

He noted two important reasons for the committee approaching its work in this way:

- First, it makes effective use of resources both within and outside the Parliament.
- Secondly, determining the human rights implications of legislation is frequently complex and contentious. It makes sense to examine legislation from a variety of angles and shed as much light as possible on how legislation works and how it relates to Australia's human rights obligations in practical terms.

Since the resumption of Parliament in 2013, the committee has been focussed on establishing
clear and regular communication with other parliamentary committees to assist in the examination of human rights issues.

It has addressed this in three ways:

- First, the committee has stepped up its practice of writing to House and Senate committees drawing attention to its work where it overlaps with specific inquiries being undertaken by these committees.
- Second, the committee has decided that it will endeavour to expedite its consideration of bills and instruments where it considers that this may assist inquiries being undertaken by other parliamentary committees or deliberation in either house.
- Finally, the committee has resolved to make a submission to the Senate Legal and Constitutional Affairs Committee's inquiry into the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012. The committee recognises that, while it will have an opportunity to comment on the bill when it is formally introduced into the Parliament, it is appropriate and timely to make some comments on human rights concerns now, while amendments to the exposure draft of the bill are under consideration. Without binding the committee, this is an approach the committee may consider adopting with regard to future parliamentary inquiries into exposure draft legislation.

The committee has noted before that consideration of the human rights implications of legislation is not solely the responsibility of the PCHR. The committee hopes that by striving to complete its own work in a manner that is sensitive to the nature and timing of the work of other parliamentary committees, it can contribute more effectively to the consideration of human rights throughout the legislative process.

I commend the report to the Senate.

Senator POLLEY: I move:

That the Senate take note of the report.

Question agreed to.

Intelligence and Security Committee Report

Senator FAULKNER (New South Wales) (20:18): On behalf of the Parliamentary Joint Committee on Intelligence and Security, I present the report of the committee Annual report of committee activities 2011-12. I seek leave of the Senate to move a motion in relation to the report.

Leave granted.

Senator FAULKNER: I move:

That the Senate take note of the report.

As I mentioned, on behalf of the Parliamentary Joint Committee on Intelligence and Security, it is my task to present the committee's report entitled Annual report of committee activities 2011-2012.

Senators would be aware, of course, that reviewing administration and expenditure on an annual basis is one of the primary functions of the Parliamentary Joint Committee on Intelligence and Security. Section 29 of the Intelligence Services Act stipulates that the committee has an obligation to review the administration and expenditure including the annual financial statements of the Australian intelligence community.

On 18 June last year the committee tabled its Review of administration and expenditure: No. 9, 2009-2010.

This review examined a wide range of aspects of the administration and expenditure of the six intelligence and security agencies, including the financial statements for each agency, their human resource management, training, recruitment and accommodation. In addition the review looked at issues of interoperability between members of the Australian intelligence community.

Submissions were sought from each of the six intelligence and security agencies, from
the Australian National Audit Office (ANAO) and from the Inspector-General of Intelligence and Security (IGIS).

The committee received five submissions from members of the public or from public organisations, including from:

- the Asylum Seeker Resource Centre,
- Brigidine Asylum Seekers Project,
- RISE, and
- the Refugee Council of Australia.

These submissions all dealt with ASIO security assessments of refugees.

On 25 March 2011 the committee held a private hearing at which ASIO, ASIS, DSD, DIGO, ONA and DIO appeared before the committee. On 16 June 2011 the committee held a public hearing—its first since July 2006—and heard from representatives of the Refugee Council of Australia, RISE (Refugees, Survivors and Ex-Detainees), the Asylum Seeker Resource Centre and ASIO in relation to visa security assessments.

The committee took very seriously the concerns put before it by various refugee and asylum seeker advocacy groups but it also recognised that the job ASIO has is a very difficult one. Therefore, the committee welcomed the efforts, introduced by ASIO on 1 March 2011, to streamline the process of security assessments in an attempt to clear the backlog and to process future assessments in less time. The committee was satisfied that the current regime for visa security assessments is the correct one and noted that the IGIS has stated that ASIO is doing its job in a 'proper and legal manner'.

Overall, the committee was satisfied that the administration and expenditure of the six intelligence and security agencies is sound.

Two reports on the listing of organisations as terrorist organisations were tabled in the period under review. The two reports dealt with eleven organisations, comprising 10 re-listings and one initial listing.

The reports were:

- Review of the listing of Al-Qa'ida in the Arabian Peninsula (AQAP) and the re-listing of 6 terrorist organisations; and
- Review of the re-listing of Ansar al-Islam (AAI), Islamic Movement of Uzbekistan (IMU), Jaish-e-Mohammad (JeM) and Lashkar-e Jhangvi (LeJ) as terrorist organisations

The committee did not recommend disallowance of any of the regulations in relation to the eleven organisations. Of course, the committee as always, thanks those who contributed to its work during the year and I commend this report to the Senate.

**DOCUMENTS**

**Malaria**

**Sanitation**

Senator RHIANNON (New South Wales) (20:22): I seek leave to move a motion in relation to the responses by Minister Bob Carr to resolutions of the Senate in relation to malaria, and global hydro fluorocarbons phase-out; and access to sanitation.

Leave granted.

Senator RHIANNON: I move:

That the Senate take note of the document.

The responses from the Foreign Minister, Mr Bob Carr on these two resolutions of the Senate were quite informative. The response about water and sanitation contained useful information—the amount of money that Australia is spending; there will be an estimated $1 billion spent on water, sanitation and hygiene activities from 2012 to 2016—and the needs of women in particular are clearly noted.

It is worth noting that is estimated that less than 50 per cent of the people across
Africa have access to improved sanitation. That certainly is, in part, a good news story. But there is something that needs to be noted here, because it is a disturbing trend that could continue—that is, the aid budget to Africa has now decreased.

The situation that we now find ourselves in is that the Australian government has chosen to divert $375.1 million of ODA money. And, yes, I know it can still be classified as ODA, but it is not going to the many programs that communities in many low-income countries were expecting. That money is going to detention centres in Australia. In Africa, where there is a clear need for much more money to be spent on water and sanitation programs, we see that there has been a decrease in money in sub-Saharan Africa of $34.9 million. When you look at all of Africa, it is even more than that. I think that is a very disturbing trend.

With regard to the minister's response about malaria and some of the global funding issues, again there is some good news there. What we read is that there is more money now being allocated for malaria programs. There was a very good initiative that AusAID undertook at the end of 2012, with a very large conference; the government committed more money. That is particularly welcome news because of the growing challenge of how to contain drug-resistant malaria. Again, there is a lot of good news in this.

However, when you look at the funding for Pacific countries, you see the drop in the amount of money that has just been announced, again because of this shift of $375.1 million into programs in detention centres in Australia. For the Pacific we are seeing a drop in ODA of $51.4 million.

That becomes very serious for a country like Papua New Guinea which has a very high rate of malaria. It is estimated that 90 per cent of the PNG population is at risk of malaria and about 1.9 million cases are reported every year. There is a similar trend across the Pacific and there is increasing concern that with climate change we will see more cases of people diagnosed with malaria. Malaria has always been endemic in parts of Papua New Guinea and the Pacific. With the changing impact on ecosystems because of climate change impacting on humidity, higher temperatures and rainfall levels we could see malaria zones in the Pacific increase.

I think that puts an added burden on Australia not to divert our aid money in this way but rather to ensure that we allocate more money for the people of this region. Yes, it was good news that the conference was held and the allocation was made. But it was bad news that overall the ODA—the Overseas Development Assistance—budget has been cut by such a sizeable amount to countries in the Pacific.

Question agreed to.

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. Letters of advice are tabled in accordance with the continuing order of the Senate relating to departmental and agency contracts.

Details of the documents also appear at the end of today’s Hansard.

COMMITTEES

Community Affairs References Committee
Membership

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and
Carers and Parliamentary Secretary to the Prime Minister) (20:32): I move:

That Senator Brown be discharged from and Senator Thorp be appointed to the Community Affairs References Committee.

Question agreed to.

BILLS

Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012

Courts and Tribunals Legislation Amendment (Administration) Bill 2012

Federal Circuit Court of Australia (Consequential Amendments) Bill 2013

First Reading

Messages received from the House of Representatives.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (20:33): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (20:33): I present a revised explanatory memorandum relating to the Federal Circuit Court of Australia (Consequential Amendments) Bill 2013 and 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—

I am pleased to be introducing this Bill today as a clear step forward towards holding a successful referendum to change the Australian Constitution to recognise Aboriginal and Torres Strait Islander peoples.

This Bill will establish an Act of Recognition, acknowledging the unique and special place of Aboriginal and Torres Strait Islander peoples as the first peoples of our nation.

The Gillard Government is committed to recognising Aboriginal and Torres Strait Islander peoples in the Australian Constitution.

We want meaningful reform that reflects the hopes and aspirations of Aboriginal and Torres Strait Islander peoples and unites our nation. We believe the Australian Constitution should:

- recognise Aboriginal and Torres Strait Islander peoples and their unique history, culture and connection to this land;
- reflect our country's fundamental belief in the importance of equality by removing all references to race; and
- acknowledge additional effort is needed to close the gap on Indigenous disadvantage in this country.

And we are committed to achieving this.

We appointed an Expert Panel to develop options for constitutional change and work out how best to recognise Aboriginal and Torres Strait Islander Australians in the Constitution.

The Expert Panel consisted of a range of respected and accomplished individuals, including Indigenous and community leaders, constitutional law experts and parliamentary members.

In bringing forward this Bill, the Government again thanks the Expert Panel, including co-chairs Mr Mark Leibler and Professor Patrick Dodson, for their dedication and tireless work. They have helped build a strong foundation for change.
We also thank the Australian Human Rights Commission, the National Congress of Australia’s First Peoples and Reconciliation Australia – and the many organisations and individuals who lodged submissions, participated in consultations or helped the Expert Panel with their research.

Throughout 2011, the Expert Panel led a wide ranging national public consultation and engagement program.

They talked to more than 4,600 people, in more than 250 meetings in 84 locations across the country, and received more than 3,500 submissions.

The panel also sought extensive advice from Aboriginal and Torres Strait Islander leaders and constitutional experts, and gathered data through research and surveys.

The Government was pleased to receive the Expert Panel's findings in January this year.

For the first time, we now have specific proposals on how to recognise Aboriginal and Torres Strait Islander peoples in the Constitution.

The Government agrees with the Expert Panel on the importance of holding a referendum at a time when it has the most chance of success.

We do not underestimate the challenge of achieving nation-wide consensus. Change will not happen without support from across the political spectrum and the support of the majority of Australians.

And we are working with local organisations to build a movement for change.

The Government is investing $10 million to help build public awareness and community support for change. This important work is being led by Reconciliation Australia, supported by a reference group of business and community leaders.

This funding is supporting community groups and activities across the country, giving Australians the opportunity to learn more about constitutional recognition.

We do recognise that there is not yet enough community awareness or support for change to hold a successful referendum at or before the next federal election.

The Act of Recognition that will be established by this Bill will continue to help build the momentum we need for successful constitutional change.

The Act of Recognition will largely reflect the introduction to recommendation 3 of the Expert Panel on Constitutional Recognition of Indigenous Australians.

The Act makes a clear statement of recognition of Aboriginal and Torres Strait Islander peoples as the first inhabitants of Australia, and acknowledges their unique history, culture and connection to their traditional lands and waters.

To allow all of us here in this Parliament to show our support for these truths.

And through our support, to build awareness and support in the wider community.

To maintain momentum towards a referendum, a sunset provision in the Bill limits the effect of the Act to two years. The sunset date ensures that legislative recognition does not become entrenched at the expense of continued progress towards constitutional change.

The sunset provision will provide an impetus for a future Parliament to reassess how the campaign for change is travelling, and the appropriate timing for a successful referendum.

The Bill also provides for a review to consider and advise a future Parliament on proposals to submit to a referendum, based on the work already done by the Expert Panel. The review will identify which of those proposals are likely to receive the support of the Australian people, including Aboriginal and Torres Strait Islander peoples.

A report from the review will be given to the Minister by six months before the sunset date of the Bill and be tabled in Parliament.

The report will also set out a process for Parliament to consider the next steps towards the ultimate goal of constitutional recognition.

It is important to recognise that this Bill is not a substitute for constitutional recognition. Legislation is not the appropriate forum to address all of the recommendations of the Expert Panel for constitutional change.
We are pleased that there is a strong commitment across the Parliament to supporting this Bill.

We know how crucial cross-party support is to the success of a referendum. We all share the determination to make sure that we continue to build momentum towards a successful referendum that unites and strengthens our community.

It is in this spirit that the Government has agreed to establish a Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples.

The Committee has been asked to consider this Bill as its first order of business.

The Committee will then work to build a secure, strong multi partisan parliamentary consensus around the timing and specific content of referendum proposals for constitutional recognition of Aboriginal and Torres Strait Islander peoples.

The Committee will also engage with Aboriginal and Torres Strait Islander people and the broader community to secure their support for specific referendum proposals for constitutional recognition.

The Government believes a successful referendum will help create strong, respectful relations between Indigenous and non Indigenous Australians.

The National Apology to Indigenous Australians, the Stolen Generations in particular, helped build a bridge of respect between Indigenous and non-Indigenous people. It generated trust, so we could work together to tackle Indigenous disadvantage.

The recognition of Aboriginal and Torres Strait Islander peoples in the Constitution is another step in that journey, and one that is critical to our efforts to close the gap.

The Australian Constitution is the foundation document for our laws and our government, but it is silent on the special place of our first Australians.

The Government is pleased that today this Parliament is taking an important step towards changing that situation.

Towards a successful referendum that unites and strengthens our nation.

I am pleased to introduce legislation to implement important reforms to improve the effectiveness and efficiency of the Family Court, the Federal Magistrates Court, the Federal Court and the National Native Title Tribunal.

The Bill is also an important component of the Gillard Government's wider federal courts reform package, which includes the recent announcement of injecting an additional $38 million in funding across the forward estimates for the federal courts to maintain their services, particularly for regional residents and disadvantaged parties.

This legislation will:

- facilitate the transfer of the National Native Title Tribunal's administrative functions, staff and appropriation to the Federal Court, and
- provide for the merger of the administration of the Family Court and the Federal Magistrates Court.

The Bill implements recommendations of the Review of Small and Medium Agencies in the Attorney-General's Portfolio, completed by Mr Stephen Skehill and released in June 2012, which recommended changes to the operation, structure and administration of agencies in the Attorney-General's portfolio.

While the amendments in this Bill are largely of a technical and administrative nature, they will allow the Courts to increase the efficiency and effectiveness of their administrative structures, and allow Court resources to be directed where they matter most: providing services to court users, particularly regional and disadvantaged parties.

This Bill implements several Skehill Review's recommendations relating to the National Native Title Tribunal.

The Review recommended both transferring native title mediation functions from the Tribunal to the Federal Court and creating corporate efficiencies by removing the Tribunal's classification as an Financial Management and Accountability Act 1997 agency and providing for its financing and staffing through the Federal Court.
The reforms will not only generate savings, but also result in a closer relationship between the agencies and promote more cohesive and timely operation of the native title system.

A preliminary transfer of functions has already allowed the Tribunal to focus on its core area of strength – its crucial future acts functions – while the Federal Court, with strong results in the area, has been given control of native title mediation.

This better alignment and allocation of functions builds on the Government's 2009 reforms, which first gave the Federal Court greater involvement in mediation. Those reforms have generated a four-fold increase in the rate of consent determinations – this means less waiting for claimants and faster certainty for all affected parties.

This Bill completes implementation of these reforms by clarifying the agencies' administrative framework and ensuring that they can work together efficiently.

For example, the Bill consolidates the Tribunal and Federal Court as a single Statutory Agency under the Public Service Act 1999. This aligns the staffing and financial responsibilities of the Registrar of the Federal Court, who will now be the Head of the consolidated agency for the purposes of both the FMA Act and Public Service Act. The Registrar's powers are also better defined. These measures provide clarity for agencies and stakeholders.

These reforms also allow the Tribunal and Federal Court to work more efficiently. The agencies will now share corporate services related to human resources, finances and information technology. Where possible, staff will work from the same buildings and share the same facilities. The compliance burdens under legislation such as the FMA Act will now also be shared.

The resulting efficiencies of these reforms are expected to generate $19 million in savings over the next four years.

In enabling the Tribunal and the Court to both operate more efficiently and to achieve better results, these reforms will support the Government's ongoing success in tackling the backlog of outstanding native title claims for the benefit of all stakeholders.

This is why the changes are widely supported by stakeholders, and why we have organised a staged and ordered transition to make sure no matters currently underway will experience any delays.

As noted by Mr Skehill, the effective merging of the administration of the Family Court and the Federal Magistrates Court from November 2008 has been a significant achievement in cooperation between the two Courts.

Since 2009, the Family Court and the Federal Magistrates Court have operated with a single Chief Executive Officer. The Chief Executive Officer of the Family Court has also been the acting Chief Executive Officer of the Federal Magistrates Court. The Family Court and the Federal Magistrates Court already share many resources, including staff and facilities.

The amendments for the Family Court and the Federal Magistrates Court in this Bill will clarify and formalise existing administrative structures, rather than fundamentally changing the way the Courts operate. This is appropriate, as the two Courts have cooperated effectively for several years.

I emphasise that the Courts will retain their separate and distinct identities, with the Federal Magistrates Court in the process of changing its name to the Federal Circuit Court of Australia, to reflect the growth in its scope, workload and regional work over the past decade.

However, formalising the shared administrative arrangements for the Courts will allow them to achieve savings and operate more efficiently.

For example, establishing the Courts as a single agency for the purposes of the FMA Act with a single budget appropriation will mean that funds can be shared between the Courts as necessary.

This measure will also allow the Courts to produce a single set of financial statements for the purpose of satisfying the requirements of the FMA Act, which will eliminate significant duplication of the Courts' work.

A range of provisions in the Courts' current legislation are not compatible with the Courts having a single Chief Executive Officer and
operating as a single agency for the purposes of the FMA Act.

This Bill amends these provisions and ensures that the Courts will be able to work effectively and efficiently under shared administration, unhindered by unnecessary procedural formalities. As such, it's appropriate to conduct this change as efficiently as possible, without creating new and separate legislation to add to the statute book.

We are also in ongoing discussions with both Courts to ensure their internal structures meet the needs of both the judiciary and court users.

This Bill forms one part of this Government's wider federal courts reform package.

As noted earlier, the Gillard Government is also putting the courts back on a firmer financial footing, by directing an additional $38 million over four years to the courts. This injection of new funds, derived from a change to fee structures, will ensure our courts can continue to deliver key services, including regional circuit work, which are vital for disadvantaged litigants and small businesses.

Other important aspects of this package of reforms include:

- establishing a transparent complaints process against judicial officers – the legislative framework for which was passed by the House earlier this sitting period;
- As noted earlier, renaming the Federal Magistrates Court as the Federal Circuit Court of Australia, and federal magistrates as 'judges';
- expanding the diversity judicial appointments, to better reflect the Australian community; and
- establishing the Military Court of Australia, so that independent justice is available to Australian Defence Force members.

It is important that our federal courts and tribunals operate efficiently, are accessible to all parties, and provide effective forums for the resolution of disputes.

The Bill enables the National Native Title Tribunal and the Federal Court of Australia to work more closely to achieve better native title outcomes.

And it will formalise the administrative structure that has proved successful for the Family Court and the Federal Magistrates Court since 2009, and will drive further efficiencies for these Courts.

The Federal Circuit Court of Australia (Consequential Amendments) Bill makes consequential amendments to the Commonwealth statute book to reflect changes to the name of the Federal Magistrates Court and the title of Federal Magistrate to 'Judge'.

It operates together with the Federal Circuit Court of Australia Legislation Amendment Bill 2012, to more accurately reflect the Court's modern role and highlight the valuable service it provides to regional Australians through its program of regular court circuits.

The Federal Circuit Court of Australia Legislation Amendment Bill, which has passed the Parliament, amends the Federal Magistrates Act 1999 and other legislation to rename the Court and change the title of Federal Magistrate to 'Judge', while ensuring that existing arrangements and entitlements continue.

This Bill makes the necessary amendments to update references to the Federal Magistrates Court and Federal Magistrates across other Commonwealth legislation. The number and breadth of these necessary amendments clearly demonstrates the Court's broad jurisdiction and the functions of its judicial officers across areas as diverse as water efficiency, national measurements and telecommunications interception and access.

Some of the legislation undergoing slight amendment enables Federal Magistrates to undertake functions in their personal capacity, such as issuing search and seizure warrants. The sensitive nature of many of these functions requires that there be no doubt about continuity of arrangements. The Bill includes specific provisions to preserve existing arrangements after the name changes commence, and clarifies the operation of the Acts Interpretation Act 1901.

The Bill also includes contingent amendments to update Bills currently before the Parliament that refer to the Federal Magistrates Court or Federal Magistrates.
This Bill, while containing only consequential amendments, nevertheless forms an important part of this Government's wider court reforms, which will ensure that the federal judicial system provides accessible, equitable and understandable justice for the community.

This Government has put the federal courts on a much firmer budget footing by recently allocating an additional $38 million to maintain and improve court services.

We have developed and passed a judicial complaints framework, to provide a more transparent and understandable way to raise complaints about judicial conduct, while fully respecting the constitutional boundaries between the arms of government.

And new court fee levels will better reflect the capacity of different litigants to pay – such as higher fees for large corporations and Government departments, balanced by the reintroduction of fee waivers and exemptions for disadvantaged litigants.

The Government has demonstrated good faith with the Court and Federal Magistrates by progressing this name and title change with all possible speed, while ensuring proper consultation with Heads of Jurisdiction.

These changes to commence the Federal Circuit Court and title of 'Judge' will be smoothly implemented across the Commonwealth statute book without any disruption to existing arrangements.

It is envisaged that this Bill will commence at the same time as the Federal Circuit Court of Australia Legislation Amendment Bill 2012.

I commend the Federal Magistrates Court and its judicial officers for their hard work over the past 12 years providing affordable, accessible and streamlined justice for people all over Australia. This new name will open a new chapter for the Court and help its Judges continue to serve the Australian community.

Debate adjourned.

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

**Appropriation Bill (No. 3) 2012-2013**

**Appropriation Bill (No. 4) 2012-2013**

**First Reading**

Bills received from the House of Representatives.

**Senator McLUCAS** (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (20:34): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.
Bills read a first time.

**Second Reading**

**Senator McLUCAS** (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (20:34): 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—

There are two Additional Estimates Appropriation Bills this year:

Appropriation Bill (No. 3) and Appropriation Bill (No. 4).

The Additional Estimates Bills seek authority from Parliament for the additional expenditure of money from the Consolidated Revenue Fund. The total additional appropriation being sought through these Bills this year is just over $1.27 billion.

These appropriations are sought to meet requirements that have arisen since the last Budget, as well as to take into account impacts on
Australia’s economic and fiscal outlook from the global economy.

Despite pressures on the Australian economic and fiscal outlook, Australia continues to outperform the major advanced economies in terms of economic growth, as well as maintaining a relatively low unemployment rate and strong public finances.

Australia’s trading partners in the still fast growing Asian region are expected to record solid growth in aggregate, which is expected to have a positive impact on Australia’s economic growth prospects.

Turning now to Appropriation Bill (No. 3) 2012-2013; the total appropriation being sought in this Bill is $600,797,000.

I would like to highlight certain appropriations relating to the delivery of the Government’s commitments.

Appropriation Bill (No. 3) proposes $133 million for the Department of Education, Employment and Workplace Relations, including $85 million towards the Support for the Child Care System program. The Government also proposes $48 million to support increased claims received before 5 December 2012 for assistance under the General Employee Entitlement and Redundancy Scheme.

$60 million is proposed for the Department of Immigration and Citizenship, including $37 million for offshore asylum seeker management purposes, visa compliance and status resolution, and $23 million mainly for visa and migration services and refugee settlement.

$59 million is proposed for the Attorney-General’s Department, including $47 million in relation to the Royal Commission into Institutional Responses to Child Sexual Abuse, for associated operating costs, financial and legal assistance, and the Commonwealth’s appearance at the Royal Commission.

$56 million is proposed for the Department of Health and Ageing, including $26 million to support Tasmania’s health system, which will address challenges caused by Tasmania’s ageing population, high rates of chronic disease and constraints in the State health system, as well as to equip Tasmania to meet future health system challenges.

$19 million is proposed for the Australian Taxation Office in relation to targeted tax compliance activities and the transfer of lost superannuation member accounts to the Australian Taxation Office.

The total additional appropriation being sought in Appropriation Bill (No. 4) 2012-2013 is $666,365,000, the more significant amounts of which I now outline.

$469 million is proposed for the Department of Defence as an equity injection to align Defence’s capital appropriations with its work program, including operations. As Defence explained at Senate Estimates, through the year its requirements for funding can change from capital to recurrent and from recurrent to capital. The additional capital amount will be offset mainly through a reduction in Defence’s departmental appropriation, which will occur through a separate process.

$50 million is proposed for the Attorney-General’s Department, including $27 million for capital expenditure in relation to the Royal Commission into Institutional Responses to Child Sexual Abuse.

$45 million is proposed for the Australian Nuclear Science and Technology Organisation to complete detailed engineering designs to construct a nuclear medicine manufacturing facility and a treatment plant which will produce a radiopharmaceutical material used in the treatment and diagnosis of heart diseases and cancers.

$32 million is proposed for the Department of Immigration and Citizenship in capital funding for expansions to the immigration detention network.

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

Customs Amendment (Anti-Dumping Commission) Bill 2013

Marine Safety (Domestic Commercial Vessel) National Law Amendment Bill 2013

First Reading

Bills received from the House of Representatives.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (20:35):

I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (20:36):

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—

I rise in support of the Completion of Kakadu National Park (Koongarra Project Area Repeal) Bill 2013.

Koongarra was previously excluded from the Park because of its potential to be the site for a uranium mine as recommended by the Ranger Uranium Environmental Inquiry.

The Traditional Owner, through the Northern Land Council, has clearly stated his wish that the land be included in Kakadu National Park, and as a consequence, has waived his interest in Koongarra as a mining lease.

In 1981 Parliament enacted the Koongarra Project Area Act 1981 (Cth). The proclamation of the commencement of the relevant provisions of this legislation was made conditional on the Minister for Aboriginal Affairs (now the Minister for Families, Community Services and Indigenous Affairs) and the relevant Land Council (the Northern Land Council) providing consent. Such consent has never been provided and accordingly the relevant provisions of this Act remain unproclaimed.

Over the years, a number of mineral lease applications relating to the Koongarra area have been made. None of these applications have been granted.

In June 2011, the UNESCO World Heritage Committee included Koongarra into the Kakadu World Heritage Area.

The remaining legal steps for inclusion of Koongarra into Kakadu are close to being finalised. Minister Macklin has provided consent under the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) and signed a lease of Koongarra to the Director of National Parks. A proclamation by the Governor-General under section 350 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) is imminent, and will include Koongarra into Kakadu National Park.

The repeal of the Koongarra Project Area Act 1981 (Cth) is part of the process necessary to prevent uranium mining and preserve Koongarra’s environmental and cultural treasures forever. The 1,288 hectares of Koongarra will soon be protected by incorporating it into Kakadu National Park in accordance with the clearly expressed wishes of the Traditional Owner, for the benefit of all Australians.
Australia's a trading nation. Trade is the key to our success. The Asian White Paper makes that very clear.

One of the things that can harm trade is dumping.

Dumping is cheating. Where goods are dumped into our domestic market, it can hurt Australian industry, it can also reduce confidence in the whole trading system, and that's why it's important that you have a strong anti-dumping system that makes sure that people play by the rules.

Last December the Prime Minister, the Minister for Industry and Innovation and I announced a package of measures to strengthen Australia's anti-dumping system. This $24.4 million package includes:

- Establishing a new Anti-Dumping Commission to investigate anti-dumping cases;
- Almost doubling the number of investigators working on anti-dumping cases — so that cases can be dealt with fairly and more expeditiously;
- Reforms to make the anti-dumping system more accessible for small and medium sized businesses; and
- Introducing stricter remedies against overseas producers who deliberately circumvent Australia's anti-dumping system.

This bill is the first step in the implementation of these important reforms.

Its purpose is to establish the Australian Anti-Dumping Commission.

The establishment of this new Commission, under legislation, is the primary recommendation of the review into Australia's anti-dumping and countervailing system led by the Hon John Brumby, the former Premier of Victoria.

In July last year I asked Mr Brumby to provide me with advice on the best structure for administering Australia's anti-dumping system – based on consultation with Australian businesses, unions, stakeholder representative groups and experts in the anti-dumping field.

He contacted over 400 stakeholders as part of his review.

His report found that in the past 12 months the workload of the administration had almost tripled – as a result of economic conditions like the high Australian dollar, surplus product on world markets and increased competition.

Mr Brumby recommended that the government establish an anti-dumping commission – based in a major capital city - and increase the resources set aside for anti-dumping investigations.

This bill implements this important recommendation for structural reform.

It also recommended that additional resources be directed to anti-dumping investigations. That's exactly what we have done - boosting funding for anti-dumping investigations by $24.4 million over the next four years.

The new money means we will almost double the number of investigators working on anti-dumping cases.

The Anti-Dumping Commission will be principally located in Melbourne and it will commence its work in July this year.

The Commissioner will report directly to the Minister.

The Commission will consist of:

- The Commissioner;
- Two senior executive staff, and
- Other staff, including the new investigators.

The Anti-Dumping Commission will be organisationally situated within Customs and Border Protection. This means that staff assisting the Commissioner will continue to be officers of Customs, however, they will report to the Commissioner.

The Brumby Review weighed up the costs and benefits of different organisation models for an anti-dumping commission.

The Brumby Review found this to be the best model because it maintains the links to Customs' systems, data, and powers – with the benefit of the increased "distinctiveness and independence" that comes with a Commission structure.
This Bill also amends the *Customs Act* to create the Commissioner's role and offer legislative guidance to the Commission's work:

- The Commissioner will be responsible for decision-making and other anti-dumping related functions that currently rest with the CEO of Customs and Border Protection.
- This Bill confers on the Commissioner all of the powers contained in Part XVB of the *Customs Act*, currently exercised by the CEO.
- The Bill also sets out the terms and conditions of the Commissioner's appointment including the term of appointment, disclosure of interests, outside employment, resignation and termination.
- The Bill does not change the responsibility of the Minister for anti-dumping matters.

The recruitment process for the Commissioner will be merits-based. Advertisements will be published in the coming weeks.

I will appoint the Commissioner, for a specified period, not exceeding five years.

The Bill also amends the *Customs Administration Act* to:

- allow the CEO of Customs to delegate to the Commissioner powers to disclose certain information to the extent those powers apply in connection with Part XVB of the Act; and
- provide that the prohibition of disclosure of certain information will also apply to the Commissioner.

Over the past 18 months, the Government has brought to Parliament four tranches of legislation to improve the anti-dumping system. These changes included:

- introducing a new Review Officer panel to undertake merits-based review of anti-dumping decisions;
- introduction of an new anti-circumvention framework;
- more closely aligning Australia's anti-dumping system with WTO obligations including by reflecting the full range of actionable subsidies;
- requiring the Minister to make decisions within 30 days of receiving an investigation; and
- establishing in legislation the key stakeholder body — the International Trade Remedies Forum - to provide ongoing advice to Government on future reform to the system.

These reforms represent the most extensive improvements to the anti-dumping system in a decade.

But there is more reform underway.

In December when I announced the Anti-dumping Commission and the extra resources for investigations I also announced we would:

- remove mandatory consideration of the lesser duty rule in complex cases;
- clarify the application of retroactive duties;
- introduce a new review mechanism to reduce the complexity of the existing review processes and make them more effective; and
- improve the infringement notice scheme to increase penalties and provide a more effective deterrent against importers making false or misleading statements in an attempt to circumvent duties.

I will introduce further legislation in the next sitting period to implement these reforms.

These reforms to the anti-dumping system are also part of the broader reforms to Customs and Border Protection that I announced late last year.

In December I also announced the establishment of a Customs Reform Board made up of three distinguished Australians with expertise in law enforcement, corruption resistance and best practice business systems.

- The Honourable James Wood QC - Former Royal Commissioner of the NSW Royal Commission into the NSW Police Service;
- Mr Ken Moroney AO - Former Commissioner of the NSW Police Force; and
- Mr David Mortimer AO - Former CEO of TNT Limited, former Deputy Chairman of Ansett, former Chairman of Australia Post and Leightons Holdings.
The Board will provide advice and recommendations to reform the structure, operations and culture of Customs and Border Protection – and oversee the implementation of these reforms.

This includes improvements to its business systems, its law enforcement capabilities and its integrity systems and culture.

The board met for the first time last Friday - and will meet monthly.

Establishment of a well-resourced and high-profile Australian Anti-Dumping Commission is part of this reform program.

It will deliver stronger protection for Australian industry against unfair competition from overseas - and protect Australian jobs from being put at risk by products being dumped into this country.

Today I introduce to the House the Marine Safety (Domestic Commercial Vessel) National Law Amendment Bill 2013, a Bill to amend the Marine Safety (Domestic Commercial Vessel) National Law Act 2012 (the National Law).

The Marine Safety (Domestic Commercial Vessel) National Law Act 2012, which was passed by the Parliament on 23 August 2012, created a single national maritime regulator and a national safety system for domestic commercial vessels.

This will result in replacing eight existing federal, state and territory regulators with one National Marine Safety Regulator; the Australian Maritime Safety Authority (AMSA).

The National Marine Safety Regulator will officially commence in March this year.

AMSA, my Department and maritime officials from the relevant state and territory maritime safety agencies have been working together to complete the necessary implementation work ahead of this start date.

However, a legislative drafting error, which has a significant operational impact, was discovered whilst undertaking the implementation work.

The National Law's original policy intention, as negotiated and agreed by the Commonwealth and state and territory jurisdictions was that AMSA as the National Regulator will reimburse amounts collected by the states or Northern Territory for infringement notices issued under the National Law.

This is a significant revenue stream for many of the jurisdictions, allowing for the broad range of maritime safety activities undertaken by maritime regulators.

The legal and operational effect of the drafting error means that the Commonwealth, rather than AMSA, will be required to receive the revenue from the infringement notices.

However, the Commonwealth has no power to reimburse the amounts to the jurisdictions because the National Law does not contain an appropriations power.

I am advised that only this amendment to the National Law will achieve the original policy intention and ensure that there is no unintended impact on revenues collected by the jurisdictions.

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.

Parliamentary Service Amendment Bill 2013
Returned from the House of Representatives
Message received from the House of Representatives returning the Parliamentary Service Amendment Bill 2013 without amendment.

COMMITTEES
Membership
Message received from the House of Representatives notifying the Senate of members discharged from and appointed to the following joint committees: the Joint Select Committee on Gambling Reform and the Parliamentary Joint Committee on Human Rights.
BILLS
Low Aromatic Fuel Bill 2012
Public Service Amendment Bill 2012
Water Amendment (Water for the Environment Special Account) Bill 2012
Assent
Messages from the Governor-General reported informing the Senate of assent to the bills.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee

Report
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (20:39): Pursuant to order and at the request of the chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present reports on legislation from the committee, as listed at item 16 on today's Order of Business, together with the Hansard records of proceedings and documents presented to the committee.

Ordered that the reports be printed.

BILLS
Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012

In Committee

Debate resumed.

The TEMPORARY CHAIRMAN (Senator Mark Bishop) (20:39): We are dealing with amendment (1) on sheet 7344 moved by Senator Xenophon.

Senator XENOPHON (South Australia) (20:39): Prior to question time—or what was meant to be question time—there was a spirited debate and contribution by Senator Ryan which I appreciated in relation to this amendment. He raised issues about the problems with the democratic audit of Australia saying they were not completely impartial because they recommended rules for campaign financing that would favour unions and penalise corporations. I unambiguously state that the rules should be the same. You should not favour unions or big corporations. You should apply issues and the rules equally; that includes donations where they are made by individuals via a union, or individuals via a corporation. I think that is important and I want to make that clear. I still believe that the democratic audit, on balance, contributes usefully to the debate on issues of democracy in this country and I think it makes a valid point in its submission to this bill that it believes that the postal vote system favours incumbents and political parties. I think that is an issue that is legitimate and ought to be addressed.

This particular amendment says that the current disclosure rules with respect to political donations are woefully inadequate. When a donation is made it ought to be disclosed within 30 days, so long as you are above the prescribed limit, which is about $11,900 at the moment. Senator Feeney, on behalf of the government, indicated that the next tranche of amendments of reforms to the electoral laws in this country would include more timely disclosure of every six months compared with every 18 or 19 months that potentially occurs now. Given the lag between a donation made on 1 July 2011, you would not know about until 1 February 2013, because that is the potential lag. We need to have more timely disclosures.

Hopefully, Senator Ryan will acknowledge that someone who was not for more government intervention in the United States was no less that George W. Bush. I remember a statement he made a number years ago—either when he was running for
President or when he was President—talking about the need for having much more timely disclosures and that the internet could be used; online disclosure could be done virtually instantaneously. This is not about extra regulation or red tape, it is about trying to find a mechanism, provided the threshold is a reasonable threshold. My issue at the moment is not with the current threshold; my issue is with letting people know when those donations were made in a timely manner. What is being proposed by the government does not address those issues.

Before we go to a vote on this, I note the words of Doris Haddock, who was an American citizen who in 1999 at the age of 87, a great grandmother, walked across the US from the Pacific to the Atlantic coasts in protest of the influence of big money in politics. She told the 1999 Reform Party Convention that a person:

… ought to be able to run for a public office without having to sell his or her soul to the corporations or the unions. Fundraising muscle should not be the measure of a candidate. Ideas, character, track record, leadership skills: those ought to be the measures of our leaders.

Those words are relevant in the context of this debate. Those words are relevant in the context of requiring greater degrees of transparency and disclosure in our political donations.

I indicate that I will be seeking to divide on this amendment. I note the support of my colleagues from the Australian Greens and Senator John Madigan from the DLP, and I am very grateful for that support. We need to get on with this sooner rather than later. I look forward to the next tranche of amendments that the government will be putting up. Every opportunity that can be taken to reform our electoral laws to make them more transparent, to make disclosure much more timely, ought to be seized. This is one of those opportunities.

Senator MADIGAN (Victoria) (20:43):

Earlier this afternoon when Senator Ryan rose to speak about Senator Xenophon's amendment he spoke about unions and their funds, and the member's funds that are paid to unions by way of their membership fees. I think we need to clarify this: all people have a right to collective bargaining, Senator Ryan. What is the difference between members of the VFF or the NFF? That is collective bargaining. As are members of VECCI or the Australian Industry Group or the Real Estate Institute of Victoria, or whatever it may be.

As much as those people are entitled to collective representation, so are unionists, working people, allowed to have collective representation also. Picking up on your point that members' contributions to a union's funds are tax deductible, I think you will find that if you are a member of the AiG, VECCI, the VFF or the NFF, those contributions would also be tax deductible. So I think we have to be very careful as we erode the rights of one that we do not erode the rights of all, because these things set a precedent and precedents can come back to haunt people.

As far as Senator Xenophon's amendment goes, I support anything that offers transparency and accountability. I think any party, no matter who it is, no matter how large or small, should be prepared to disclose what donations they get, however large or small they are. On that basis I support Senator Xenophon's amendment.

Senator RHIANNON (New South Wales) (20:45): The Greens also support this amendment, moved by Senator Xenophon. It provides an important step in cleaning up the complex way disclosure is presently managed. I did note Senator Feeney's comments. He said that the government will not vote for this amendment because the government has its own bill. On
first hearing that sounds good, particularly when he says that its bill is to improve disclosure, make it more transparent and more timely. But then he tells us that he is referring to the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2010, which is a bill that has been sitting there for three years. That is why we need to support the amendment that Senator Xenophon has brought before us. We have waited three years and Senator Feeney thinks it is a good argument to say, 'Well, we have this bill sitting here.' It is also worth remembering that, while it does cover these important issues of lowering the level of disclosure from presently pushing up towards $12,000 down to $1,000 and of more timely disclosure, Labor should have made some progress when it first was elected. It is worth remembering that this problem that we have came in when the coalition had control of both houses of parliament and the laws were wound back in a very unsatisfactory way. Labor did vote with the Greens and other minor parties, I understand, against that change. But here we have the situation where Labor for the last six years could have changed the law. It has had a bill for three years, we have talked about it for six years, and it has not changed. That is why we need the action and I am very pleased that we are able to explore the issue this evening.

The law was changed in December 2005 when we went overnight from knowing that the public could find out who was donating if they gave a donation above $1,500 to all of a sudden having it changed to $10,000 and linked to the CPI. As we know, it is now up to about $11,900. That means that we have had a great deal of donations that have been hidden from public scrutiny. It is worth reminding ourselves how extensive this is, which underlines why we need the amendment that we are considering tonight.

If you go back to 2005 when this change was made, which is basically what Senator Xenophon's amendment deals with, at that time Senator Eric Abetz and the Liberal Party federal director, Brian Loughnane, stated that the new $10,000 disclosure threshold would make little difference to public scrutiny. A lot of people doubted that; it is a big change. Once again their words were shown to be quite misleading.

The Greens Democracy4sale research project examined the 2004-05 data, the disclosure data that the Australian Electoral Commission puts out on 1 February each year. That was the last time we saw donations having to be disclosed that were $1,500 or higher. Data for the New South Wales Liberals showed that only 58 per cent of donations, about $3.2 million, would have been identified if the new disclosure threshold had been applied. So clearly it was a large amount that would be hidden. Figures for the National Party are also interesting. In 2004-05 the Nationals reported 148 contributions of $1,500 or more. We would have had no details about most of those contributions if the law had already been in place. That gives us some idea of the money that is coming in about which we have no idea who it is coming from. Of the more than $1.3 million the Nationals received in 2004-05, 63 per cent would be identified, with 37 per cent hidden from public view. So what Senator Ryan is really saying when he says they do not want the bar changed and he talks about too much regulation is that they want to avoid public scrutiny. This is a very important point because at the time Senator Abetz and the director of the Liberal Party argued that 90 per cent of the dollar amount donated would still be available for public scrutiny. I understand that the exact amount that Senator Abetz argued at the time was 88 per cent of the dollar amount still being available for public scrutiny.
That has certainly not been the case when you look at the figures and compare those from 2000-05 to later years.

This is a worrying trend and underlines why we need to have amendments like those before us. In fact, we need to look even more deeply into the whole issue of disclosure. As we have been waiting for this legislation from the government to come on for so long, I think it is worth us taking the opportunity that these amendments afford us to just consider the changes we do need with regard to disclosure because, yes, we need to get the bar down—$1,000 seems very reasonable—and it needs to be done in a timely manner. In these days of electronic spreadsheets and websites whereby it is so easy to coordinate, it would be very easy to have the donations put up probably within a matter of hours.

We also need to clear up what is declared and the penalties for non-compliance. This really does go to the issue of resources for the Australian Electoral Commission. Often you find out that the rules have been broken but nothing happens, and it just goes on because there are not the resources for the Australian Electoral Commission to look into it in detail. When it comes to disclosure, it is very unclear what you are actually looking at. It needs to be differentiated at least between fundraisers and money donated. A very important issue that comes up time and time again when you talk about disclosure is that the money that a donor puts in should be aggregated. It should not be possible for a donor to give small amounts of money, thereby staying under the threshold and out of public scrutiny in that way.

For the record, in the 2011 state election the Greens in New South Wales enacted their commitment to continuous disclosure by publishing details of donations that were received. The amendments before us address just a part of this, but it is an important step towards bringing forward a healthier disclosure system. Labor may have promised action on this front but we still have not got it. We know that the legislation has been sitting there for three years, and that is why we cannot keep waiting. We have some amendments before us now. The Greens support these amendments, and I urge all senators to support them.

**Senator Ryan (Victoria)** (20:54): I just want to briefly respond to Senator Madigan's comments about my comments before question time. I actually agree with him. I hope I did not misconvey the point that I was trying to make. He makes the point about legitimate collective bargaining, which is guaranteed in the Fair Work Act and in competition and consumer law. I am not challenging that at all. The point that I was making earlier, which Senator Madigan has responded to, was about where the money ends up and the means by which money that political parties get hold of is treated differently.

Senator Madigan rightly referred to tax deductibility not only of union dues but also of membership of professional associations or industry groups like the AiG or the Real Estate Institute or, for that matter, groups like the AMA. The difference is that those groups do not hand money to political parties as membership fees. The point I was making, Senator Madigan, was in regard to the fact that someone who chooses to contribute money to the Labor Party through their union membership fees and then also through a donation or through their membership of the Labor Party more directly is availing themselves of two different tax-free thresholds, in terms of the tax deductibility of that money. The union money is deductible in one way, whereas the money for membership is deductible in another way. It means that in that all-important sense the money that unions hand over to the ALP is
tax free, whereas the money that individuals or that corporates may hand over to another political party or, indeed, to the ALP itself is dealt with primarily, if it is above the deductibility threshold, as post-tax income, which actually leads to a very different real cost of that donation.

The point I was making about the comments from that particular member of the Democratic Audit was that a structure which favours corporate membership such as the unions have—which is a corporate membership sense of the Labor Party, where the body is the member as opposed to an individual-based membership, which I understand the Democratic Labor Party and the Liberal Party have—leads to unequal tax treatment of the money that goes to political parties. It has nothing do with collective bargaining, and I do not wish to do anything about the collective bargaining space; it is purely about how the tax system treats the money that political parties get hold of.

I note that in Canada the tax system actually counts tax deductibility as part of the public funding amount, and all moneys that go to political parties that are tax deductible are treated equally. There are no different routes, whether it be by union membership fees or by donations. I think that is an important point. We do not want to have an unlevel playing field with money in politics in terms of its legal treatment. I was not trying to make a point about collective bargaining in that sense at all. I think this could be resolved without having any impact on collective bargaining, because the examples you mentioned, such as dairy farmers and their collective bargaining with a milk processor—all those things—would be untouched. The issue here is about money that flows to political parties from what is rightly pointed out to be the historic arrangement they have with unions, but that should not give them a financial advantage over other participants in the political process purely via the tax system.

With respect to the contribution from Senator Rhiannon, I will not stand here and be lectured on transparency by a political party that does not allow the media into its national conference.

**Senator Rhiannon:** That's not true.

**Senator Ryan:** That is transparency—how you form your policies. It is about how the Greens come up with the policies which they then put as a gun to the Labor Party's head and force them to implement. It is about how the Greens come up with the policies that they use in their balance of power and negotiating position in this Senate to force onto the Australian people. Real transparency, Senator Rhiannon, is not about someone who donates $1,000.50; it is actually about political party processes. All the other political parties represented here are not afraid of transparency. They do not lock the media out of their national conference for fear that the truth about the extremist base of the party might actually be on the national news. Transparency is as much about information about our operations and how we come to decisions, and that is something in which the Greens are profoundly lacking. I will not be lectured about transparency by them.

**The Temporary Chairman** (Senator Mark Bishop): The question is that amendment 1 on sheet 7344 be agreed to.

The Committee divided. [21:03]

(The Temporary Chairman—Senator Bishop)

| Ayes | 11 |
| Noes | 31 |
| Majority | 20 |

AYES

Di Natale, R Hanson-Young, SC
AYES

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

Madigan, JJ
Rhiannon, L
Waters, LJ
Wright, PL

NOES

Back, CJ
Bilyk, CL
Bishop, TM
Boyce, SK
Brown, CL (teller)
Bushby, DC
Cameron, DN
Evans, C
Fawcett, DJ
Furner, ML
Gallacher, AM
Hogg, JJ
Ludwig, JW
Lundy, KA
Marshall, GM
McEwen, A
McKenzie, B
McLucas, J
Moore, CM
Polley, H
Pratt, LC
Ruston, A
Ryan, SM
Singh, LM
Smith, D
Stephens, U
Sterle, G
Thistlethwaite, M
Thorp, LE
Urquhart, AE

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (21:06): The Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 amends the Criminal Code Act 1995 to insert offences of forced labour, forced marriage, organ trafficking and harbouring a victim. The amendments also seek to ensure that the slavery offence applies to conduct which renders a person a slave, as well as conduct involving a person who is already a slave. It extends the application of existing offences to deceptive recruiting and sexual servitude to non-sexual servitude and all forms of deceptive recruiting and increases penalties for debt bondage offences. It also amends existing definitions to broaden the range of exploitative conduct that is to be criminalised.

The Crimes Act is to be amended to increase the availability of reparation orders to individual victims of Commonwealth offences. Consequential amendments are proposed to the Migration Act, the Proceeds of Crime Act and the Telecommunications (Interception and Access) Act. Although these offences are described as new, most amount to definitional changes to existing offences in divisions 270 and 271 of the Criminal Code. The important new offences concern the expanded definition of servitude, to which I shall return, organ trafficking and forced marriage.

Organ trafficking is currently covered, though not exclusively, by the human trafficking provisions. These amendments have the support of the coalition and it is to be hoped that the cases to which they will apply will be extremely rare. There appears to have been only one discontinued investigation in Australia, although it is estimated that globally up to 15,000 kidneys are bought and sold illegally each year. The trade is allegedly substantial in China,
Pakistan, Egypt, Colombia and the Philippines.

The bill also introduces prohibitions against forced marriage. According to some estimates, there may be up to 1,000 forced marriages a year involving Australians and it appears to be a growing problem. The personal trauma that can arise from such practices was graphically portrayed on the ABC's *Four Corners* program almost exactly a year ago, and similar examples have been aired in several community forums since then. The current offences against people trafficking and sexual servitude may not provide sufficient coverage, and it seems clear that an explicit prohibition is required. The coalition therefore strongly supports the introduction of a new offence to deal with this problem.

However, the bill also includes an offence of strict liability for being a party to a forced marriage; that is, if the prosecution establishes that a person was forced into marriage, the other party is presumed to be guilty of an offence, unless he or she can establish a lawful excuse. This is sought to be justified on the basis that the elements needed to establish the excuse would usually lie peculiarly within the knowledge of the accused and it would be significantly more difficult for a prosecution to disprove than for the accused to establish. However, the imposition of strict liability in criminal matters effectively abrogates the presumption of innocence and the right of the accused to remain filed to trial. The justification offered by the government does not take account of the great reluctance of the courts to draw inferences from an accused person's failure to give evidence in the very limited circumstances in which that is permitted.

It is astonishing that these fundamental rights and presumptions are not addressed in the bill's statement of compatibility with human rights, other than the bland and erroneous statement: The provisions of the Bill do not affect rights to a fair trial and fair hearing, the presumption of innocence and minimum guarantees in criminal proceedings, nor do they affect existing legislation relating to procedural fairness.

That statement, authored by the Attorney-General's Department, is plainly and entirely wrong, and it is a professional disgrace to whoever wrote it that it should have been included. The proposed strict offence of being a party to a forced marriage, in fact, does most of those things, as I shall explain in the committee stage of the debate. In my view, the statement of compatibility, by focusing on the right to privacy, which has always been hedged by probable cause, misstates the position while ignoring fundamental rights with which we can permit very little interference.

Last year when the Human Rights (Parliamentary Scrutiny) Bill was debated in the Senate, I explained why the coalition opposed the introduction of statements of compatibility. I said, if I may be excused for quoting myself: … there is risk that a declaration of compatibility (or incompatibility) … might be regarded as … conclusive. In fact, it is merely the expression of the opinion of the Executive Government. The whole point of enhancing Parliament's ability to scrutinise the human rights impact of legislation is to empower the Parliament rather than the Executive; it is the opinion of the former, not the latter, that matters in deciding whether legislation is human rights compliant.

Indeed, this government has given itself a free pass on the human rights implications of the bill. Unfortunately, it was introduced before the Joint Committee on Human Rights was seized with responsibility to examine it. However, it is likely that the wielder of rights supposedly conferred by
international instruments, which so blinded the authors of the statement of compatibility, would have had the same effect.

The Senate should not, under any circumstances, interpret these remarks to mean that the coalition sympathises with those who are complicit in forcing a person into a marriage. We support the introduction of that offence. We also propose an amendment to remove any doubt that that offence would apply to a party to a marriage. There is no doubt that forced marriage is akin to slavery and that it is our responsibility as legislators to ensure that our law enforcement agencies have the laws and the means with which to deal with it. I caution, however, that there are many practices against which we as a society set our faces without abolishing the fundamental rights of an accused person.

I turn now to the existing offences of slavery and enforced servitude, which are to be broadened to include forced labour rather than sexual servitude. The intention of the amendments is to capture the apparently increasing incidence of slavery-like conditions outside the sex industry—for example, in hospitality. The existing definitions, which require the use of force and threats to maintain the condition of servitude, will now include the use of coercion, threat or deception. Coercion will include duress, psychological oppression, abuse of power or taking advantage of a person's vulnerability. The prohibition does not extend to conditions justified or excused by or under a law.

The explanatory memorandum states that it also does not extend to lawful detrimental action under standard relationships between employers and employees. However, the extent to which this is the case is not clear. The terms 'psychological oppression' and 'taking advantage of a person's vulnerability' have a strong subjective element, and it is not inconceivable that they might even be alleged in an industrial relations context for a collateral purpose. Evidence to the Senate Standing Committee on Legal and Constitutional Affairs on duress indicated that a significant number of AFP investigations under the existing provisions referred to the Fair Work Ombudsman.

Duress and abuse of power are concepts that are well understood at common law and in equity and applied in the courts. Psychological oppression and taking advantage of a person's vulnerability might be indicators of duress or an abuse of power, but listed, as the government proposes to do, as separate criteria they risk watering down the definition and taking the offence into unintended areas. In the coalition's view, the other criteria of forced duress, detention and abuse of power do provide legal certainty, which is important given the potential consequences of a contravention and to avoid a potential for the arbitrary use of the legislation.

The penalties to be imposed range from four years to 25 years imprisonment. These are broadly within the spectrum of existing penalties under the current provisions of the code and the coalition does not oppose them.

The coalition yields to nobody in its condemnation of the practices which are the subject of the bill, which is why we support the bill. Sadly, the traffic in human beings continues in one form or another; some 206 years after the Royal Navy put an end to the transatlantic slave trade. The offences contemplated by the bill cannot be tolerated in any civilised society and, with the exception of the defective provisions I have noted and for the reasons I have explained, the coalition lends it our support.

As I have said, I will elaborate further upon those defective provisions when the bill...
reaches its committee stage. However, I take this opportunity to reiterate my view that the proper discussion of human rights in this parliament must transcend the self-congratulatory adoption of fashionable causes or focusing on who is more antidiscriminatory than whom. It also involves the scrutiny of bills such as this, which clothes itself in the language of human rights, to locate the true implications for those who might find themselves, rightly or wrongly, accused and at the mercy of the enormous prosecutorial power of the state. That the drafters of this bill—the Attorney-General's Department, the Human Rights Commission and the raft of stakeholders who hold themselves out as the vanguard of human rights—could be so uniformly heedless of the abrogation, contained in this bill, of the presumption of innocence and the right to silence speaks volumes about the current quality of the human rights debate in this country.

Senator MADIGAN (Victoria) (21:17): I rise to speak about the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 and the removal of our recognition in law of the reprehensible crime of sexual servitude in Australia. There are many very important aspects of this bill which will add to the wide-ranging scope and strength of the Criminal Code Act 1995, the Crimes Act 1914 and other complementary acts.

However, I see in this bill an unintended consequence which may stunt or curtail the course of justice for victims of sexual servitude across Australia. The bill adds new definitions and removes old ones. It clearly defines 'forced labour' and 'forced marriage' but waters down the definition of 'sexual servitude'. It does this by likening sexual servitude to any other form of servitude—when in fact it is quite separate, unique and reprehensible. The Coalition Against Trafficking in Women Australia points out:

… the sex industry might be regulated alongside other industries providing ‘labour’ or ‘services’, as if prostitution has historically posed no special risk with regards to the trafficking and enslavement of women and children.

Prostitution has been widely legalised across Australia. I am not discussing that today but rather what separates sexual servitude from other criminal activities. I am discussing the inherent dignity of all people who work in the industry and the need to ensure our Criminal Code protects and upholds this apparently elusive concept.

It is important for those in this place to know what sexual servitude is. It is critical, when considering this bill, to understand why sexual servitude should not simply be lumped under the definitions provided in proposed sections 270.5, 270.6 and 270.7. Family Voice, an organisation which has been very active in speaking out on this and many other issues, illustrates the distinction quite clearly. Their submission to the inquiry of the Senate Legal and Constitutional Affairs References Committee into this bill said:

Sexual servitude is inherently different from other forms of servitude because it involves forced acts of sexual intimacy—the violation of a woman's body, essentially repeated acts of rape. This is not the same as being forced to perform domestic labour or work in a sweat shop.

They go on to point out that criminal law generally treats rape and sexual assaults as crimes which are distinct from other forms of assault. So I ask: why should we not continue to do so in the Criminal Code? Why should we repeal all references to sexual servitude from the code?

This place should be aware of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which was written in
2000 to supplement the United Nations Convention against Transnational Organised Crime. Article 3 outlines what it means to be 'trafficking in persons'. It says:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs …

Article 3 goes on to say:

The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a)—

the paragraph I just read—

of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used …

The UN is quite clear about this—clearer on this than on many other issues it tasks itself to deal with.

It is important that we recognise that and amend this bill to truly reflect the severity of sexual servitude, to give it the legislative recognition that it deserves.

In many debates that enter this place, we hear two distinct sides. We as representatives of the people are lobbied by activist organisations and are generally kept well informed as to how we should vote on any particular issue. Mr Acting Deputy President, that has not been the case with this legislation. You are undoubtedly aware of the value I place on a worker's rights, including the right to an adequately unionised workplace. However, who represents the sex worker? Who upholds their dignity at work? Whatever you may believe about the morality of their line of work, I would like to see a day when businesses do not profit from the exploitation of vulnerable men and women. Until that day comes, we must ask who will protect their right to maintain and restore their inherent human dignity? Not the Eros Foundation; not the Scarlet Alliance. These organisations are industry groups, attempting to ensure that their industry is not dragged through the mud so much that there are calls for it to be re-criminalised. No, it is up to us in this place and those in the other place. We must ensure that those who claim to be exploited, those who are being coerced, threatened or deceived into sexual servitude are categorically protected by all the appropriate layers of the law.

I have circulated amendments to this legislation, not to complicate it or to confuse the matter, but to correct what I believe is an unforeseen consequence. I am concerned for the victims of sexual servitude and want to ensure that they are given as much of a legal platform as possible in the court of law. Proposed section 270.4, coupled with proposed section 270.7, will possibly restrict a victim's ability to successfully litigate. It is important that a victim of sexual servitude is not told that they have no recourse to litigation because 'it was in the contract'. Unfortunately, that is essentially what this legislation will say to certain victims should it not be amended.

It is for this reason that I have offered a number of amendments to this bill. Although I support this bill in principle, I ask all senators to support these amendments, which will strengthen the law.

Senator BILYK (Tasmania) (21:24): I speak tonight on the Crimes Legislation Amendment (Slavery, Slavery-like
Conditions and People Trafficking) Bill 2012. It is extremely sad that now, in the second decade of the 21st century, we stand to debate a bill regarding one of the most disgusting crimes that people can commit against other people—that is, slavery. It is an archaic crime, one that does not seem to have a relevance to this time or to this place. However, despite how much we may wish to ignore it, slavery is a crime which still takes place in contemporary Australian society. Hidden, out of sight and out of mind, rare cases of forced labour, forced marriage and organ trafficking are believed to be occurring or have occurred in Australia.

Exploitation, sexual and otherwise, is occurring through debt bondage, threats and fraudulent recruiting. These practices are all abhorrent to the Australian people and such injustices must be removed from our society. Article 3(a) of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children defines trafficking as:

The recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of: force or other forms of coercion; abduction; fraud or deception; the abuse of a position of vulnerability; or of the giving or receiving of payments/ benefits to achieve the consent of a person having control over another person; for the purpose of exploitation. Exploitation includes at a minimum: the exploitation of the prostitution of others or other forms of sexual exploitation; forced labour or services; slavery or practices similar to slavery; servitude; or the removal of organs.

We have information compiled from Australian Federal Police statistics, with research by the Australian Institute of Criminology, finding that in 2009-10, of the 95 per cent of people known to have been trafficked to Australia, 62 individuals were females. Of those 62 individuals, 55 were trafficked for sexual exploitation. This figure rose in 2010-11 with 63 of 71 women trafficked for purposes of sexual exploitation. In some of the cases involving sexual exploitation, women have had to work under poor conditions to pay off artificial debts, enforced by the offenders, ranging from $18,000 to $53,000. Their passports were confiscated and they were forced to work up to 12 hours per day, seven days a week.

But slavery is not just about sexual exploitation. Criminologist Fiona David has been investigating slavery in Australia and says this about its nature:

In Australia, we have seen labour trafficking situations involving domestic workers, so for example, a family might bring out a domestic worker from another country to work in Australia as effectively unpaid slave labour around their house. We have also seen situations in the construction industry where again people are recruited through very deceptive means to work in what is described as a forced labour or slavery-type situation.

Ms David continues:

Labour trafficking tends to take place in any industry that has elements of, you know, being part of the informal economy, so that could be construction; that could be agriculture, in some countries and some contexts it also includes fishing or manufacturing.

Of 12 men known to have been trafficked between 2009 and 2011, all were trafficked into industry for non-sexual exploitation, including hospitality, agriculture, horticulture and construction. An example of one case of forced labour involved an Indian man who was allegedly offered employment in restaurants owned by an Australian citizen on the condition that he would not be paid for a full year but that the restaurant owner would provide money for the victim's family each time he returned to India. On arrival, the victim's passport, tickets and other documents were taken by the restaurant owner and he was forced to work excessive
hours, seven days a week. There was no evidence presented during trial that indicated that the man had ever received payment or that money had ever been sent to his family.

Other groups regarded as high risk for exploitation and potential trafficking include migrants working in the agricultural sector, domestic workers, international students and those working in the maritime-seafaring sector. The victims of trafficking and exploitation are some of the world's poorest and most vulnerable people, with the overwhelming majority of victims in Australia coming from South-East Asia, in particular Thailand, with smaller numbers of victims from Malaysia, South Korea and the Philippines.

These cases have not gone unnoticed, and there have been significant police investigations regarding people trafficking, with a number of victims assisted. Between January 2004 and June 2011 a total of 305 investigations and assessments of trafficking-related offences were conducted by the AFP's transnational sexual exploitation and trafficking teams and 184 victims of trafficking had been provided with assistance through the government funded Office for Women's Support for Trafficked Persons program, the STP program. As at 30 June 2012 there had been a total of 13 matters resulting in convictions and there were four defendants currently facing charges before the courts and 15 matters had been finalised without resulting in a conviction. However, the number of convictions seems to be disproportionate to the number of known offences, and police need a better set of tools to combat these crimes.

The bill we are debating today, the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012, is the opportunity the Senate has to provide the police with a better set of tools to cover people trafficking and other related offences. The bill will achieve this through changes to the Criminal Code, the Crimes Act 1914, the Migration Act 1958, the Proceeds of Crimes Act 2002 and the Telecommunications (Interception and Access) Act 1979.

The bill will amend the Criminal Code to establish new offences of forced labour, forced marriage, harbouring a victim and organ trafficking; broaden the definition of exploitation to include a range of slavery-like practices; extend the application of existing offences of deceptive recruiting and sexual servitude to apply to all forms of servitude and deceptive recruiting; ensure that the slavery offence applies to conduct which reduces a person to slavery, as well as conduct involving a person who is already a slave; amend existing definitions of exploitation to include a range of slavery-like practices; amend existing definitions to capture more subtle forms of coercion, including psychological oppression and the abuse of power or a person's vulnerability; increase the penalties applicable to the existing debt bondage offences to ensure they adequately reflect the relative seriousness of the offences; clarify the law regarding acts and omissions following the High Court's decision in the Commonwealth DPP versus Poniatowska case; and clarify the intended operation of existing provisions in divisions 270 and 271.

These new offences and provisions would create a standalone offence of forced labour, where a reasonable person in the position of the victim would not consider him or herself to be free to cease providing or leave the place where they provide labour or services because of the use of coercion, threat or deception. Forced labour is currently criminalised where it is connected to the offence of people trafficking. The bill would
also criminalise the conduct of a person who uses coercion, threat or deception to bring about a marriage or marriage-like relationship. I would like to make it clear that the criminalisation of forced marriage is not intended to target consensual religious or cultural marriages. The bill also creates standalone offences criminalising trafficking a victim either to or from Australia or within Australia for the removal of his or her organs.

As perpetrators become increasingly aware of investigative and prosecution techniques, changing their modes of operation accordingly, it is essential that we regularly review the offences against slavery and people trafficking to ensure they are responsive to emerging trends. Measures in this bill are intended to ensure our law enforcement agencies have the appropriate tools to investigate and prosecute the broadest range of exploitative behaviour while protecting and supporting victims. Acts of people trafficking, sexual slavery, forced marriage, and exploitation are offences against humanity that need to be stopped at every turn. It is unjust and unacceptable that such offences still occur within this country. This bill seeks to provide law enforcement agencies with a better set of laws to act on these crimes. I commend the bill to the Senate.

Senator CASH (Western Australia) (21:34): I rise to speak on the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012. At the outset, I will reiterate that, while the coalition will not be opposing this legislation, we continue to have concerns with a number of issues to do with the wording of the bill as it is currently drafted. The bill amends the Criminal Code Act 1995 to insert offences of forced labour, forced marriage, organ trafficking and harbouring a victim. Approximately 18 months ago, I was in New South Wales visiting a safe house for women who have been trafficked here for sex and I was briefed in relation to the first identified case of a young girl who had been brought into Australia so that one of her organs could be harvested.

The amendments in this proposed bill seek to ensure that the slavery offence applies to the unlawful conduct of individuals who by their actions render or cause a person to be a slave and includes conduct involving a person who is already a slave. The bill extends the application of existing offences of deceptive recruiting and sexual servitude to non-sexual servitude and all forms of deceptive recruiting and increases penalties for debt bondage offences. It also amends existing definitions to broaden the range of exploitative conduct that is to be criminalised.

The proposed bill will amend the Crimes Act 1914 to increase the availability of reparation orders to individual victims of Commonwealth offences. Consequential amendments are proposed to the Migration Act 1958, the Proceeds of Crime Act 2002 and the Telecommunications (Interception and Access) Act 1979. Although the proposed offences are described in the minister's second reading speech as new, most amount to definitional changes to existing offences in divisions 270 and 271 of the schedule to the Criminal Code Act 1995.

Putting aside the definitional changes for the moment, the bill proposes important new offences relating, as I have already stated, to organ trafficking—and, yes, it does happen in Australia—and forced marriage. I note that the explanatory memorandum is expressed in terms that make it abundantly clear that slavery and people trafficking are among the most abhorrent of all crimes. These heinous offences are major violations of human rights and often result in traumatic
and lifelong consequences for victims and their families. Both the coalition and the government are committed to combatting all forms of slavery and people trafficking by ensuring that there is a strong regime of criminal offences in place that are relevant and responsive to emerging issues.

On 19 June 2012, the Senate referred the provisions of this bill to the Senate Legal and Constitutional Affairs Legislation Committee. I note that coalition senators in their additional comments expressed reservations about certain aspects of the committee's report regarding the current wording of the bill.

As stated in the coalition senator's additional comments, coalition senators were concerned about the very broad definition of the term 'coercion' in the bill. I note that the addendum to the explanatory memorandum explicitly states that the term has been drafted to be 'broad and non-exhaustive in order to supplement the existing framework and ensure the broadest possible range of exploitative behaviour is captured and criminalised.'

I would argue, however, that the breadth of the term 'coercion' in its present form will allow a legal construction which encourages ambiguity and this ambiguity will of course lead to litigation. There is little doubt that the uncertainty which is apparent in the current drafting of the bill, as it relates to the use of the word 'coercion', will be the subject of litigation. This will mean that it is the courts and not the parliament which are the final arbiter of the meaning of such an important term in the context of this legislation. I also note that coalition senators recognised that the failure to precisely define the meaning of the word 'coercion' leaves open the possibility that a broad range of relationships in which power is unequal might be characterised by the courts as 'coercive'.

Coalition senators were also concerned at the broad way in which the bill provides the consent or acquiescence of the victim is not a defence to offences under the legislation. As they stated, 'clearly consent, which has been obtained through duress or force cannot be characterised as true consent'. But the bill, in its present form, does not appear to make the distinction between real and apparent consent. This distinction is highlighted by the way the bill deals with servitude and forced labour offences within marriage or a marriage-like relationship. There is a broad spectrum of unequal and undesirable power relationships within marriages in Australia, ranging from violent and coercive relationships to those where one partner exercises an inappropriate level of influence over the other partner. Clearly, at one end of that particular spectrum, behaviour should be criminalised and at the other end it should not. Coalition senators made the point that given the uncertainty which is evident in the way in which the legislation is currently drafted, it is very hard to discern where in that spectrum the legislation intends the line of criminality to be drawn.

Coalition senators found that when they delved into a number of aspects of the bill many stakeholders are confused or dissatisfied with the approach the legislation takes and believe that further work needs to be done to make clear the ambit and the scope of the legislation. In their conclusion, coalition senators recognised the intended objective of the bill, which is to clarify the law regarding slavery and servitude, but remained concerned that the practical operation of the bill in the real world will leave open significant questions of scope and definition, which will no doubt be the subject of expensive litigation which will need to be resolved by the courts. This lack of clarity
and certainty is clearly not a satisfactory situation despite the stated intent of the government in introducing this bill.

As the coalition's spokesperson for the status of women, I have had the opportunity to meet with many stakeholders, in particular in relation to the trafficking of women for sex. I remain dismayed at the long-term destructive impact that these experiences have had on women. Approximately 18 months ago, I had the very humbling experience of visiting a safe house in New South Wales. There I met with women who had been brought into Australia believing that they had come here legally, only to be immediately placed into the illegal sex trade. I had, as I said, the very humbling experience of meeting with a woman who, thank goodness, we managed to get out of the illegal sex trade. She had been forced to service up to 20 clients a day, for little or no money.

We need to recognise that Australians, without a doubt, live in the luckiest country on earth. We therefore have an obligation to do everything within our power to empower our own citizens and those in source countries through education programs and through whatever legislative levers we have available, and more broadly by reducing poverty through our aid programs, to ensure that human life is recognised as being sacrosanct and decrease the currency of this insidious trade in people.

The recent history and actions of both sides of politics confirms that Australia has a regional leadership role to play in this area. I would like to acknowledge the significant and important achievements of the former Howard government in this area. The Howard government's response to people trafficking in the Asia-Pacific region included developing anti-trafficking initiatives between governments and providing aid to the region, which is aimed at alleviating the economic and social conditions that allow trafficking to flourish. In particular, the Howard government and the Indonesian government co-chaired two regional ministerial conferences on people trafficking and smuggling in 2000 and 2003. In October 2003, the former Howard government announced additional anti-trafficking measures and provided a $20 million program targeting sex trafficking in particular.

The program or package included a new Australian Federal Police unit, the Transnational Sexual Exploitation and Trafficking Teams; new visa arrangements for victims of trafficking; victim support measures, including counselling and legal and medical support to be administered by the Office for Women; improvements to legislation, making people trafficking punishable by up to 20 years in jail; and a promise to ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Notably, Australia was already a signatory to this treaty and the treaty was subsequently ratified in 2005.

In 2004, the former Howard government produced an action plan to eradicate trafficking in persons in support of its 2003 announcement. In the last budget of the Howard government, a further $38.3 million over four years was allocated, including $26.3 million for new initiatives. Since then, the coalition has continued to recognise people trafficking as a serious criminal affront to human life and has supported a range of anti-people-trafficking measures, most of which have had a sex-trafficking focus.

The newly renamed human-trafficking teams of the Australian Federal Police are at the front line of tackling this continuing and
unfortunately burgeoning problem. As a result of the political focus on this insidious trade and as a consequence of changes to the sex-trafficking laws, in 2008, the first person to be found guilty by a jury of holding sex slaves was a 44-year-old Melbourne woman, Wei Tang, who was sentenced to 10 years imprisonment. In that case, five Thai women were brought into Australia on the basis that they would work legally in the sex trade. However, once they were in Australia they were told by their criminal overseers that they had to pay off debts of $45,000 each by performing sexual acts for no pay.

People trafficking is a well-established and enormously lucrative business through the Asia-Pacific region, in particular from China, Thailand and Korea. Sadly, our reality as Australians is that Australia is a destination country for persons trafficked out of South-East Asia. I note that there are several reports of immigrants, particularly from India, the People's Republic of China and South Korea, who voluntarily migrated to Australia to work but who were later coerced into exploitative conditions by people closely connected to the criminal people-trafficking racket.

Whilst it is recognised that some of these women travel to Australia under the impression that they will be working in the legal sex trade, a number come here under student visas believing that they will be studying and attending college or university classes or working in their professions, as their visa conditions would dictate. It is only when they reach Australia that their unfortunate and sometimes life-threatening fate becomes known to them—that is, they have been trafficked to Australia for the purpose of being a sex slave. They are told that now they are in Australia they must work to pay off so-called debts that they have supposedly incurred as payment for their successful passage to Australia. It is interesting to note that the Anti-People Trafficking Interdepartmental Committee has reported that all identified suspected victims of people trafficking, including sex trafficking, have entered Australia on valid visas, but evidence of visa fraud was later identified.

Because of its geographic location, Australia is in a unique position when it comes to combating human trafficking. Unlike Europe and Asia, Australia's borders are clearly geographically defined, and until the current government changed the visa entry rules it was difficult to cross to Australian shores without being detected.

People trafficking for the sex trade is an insidious crime. It threatens the lives of its victims. The Australian government, regardless of who is in power, must continue to take action by developing practical initiatives in an attempt to put an end to sex trafficking and other forms of trafficking and slavery in Australia. It is critical that there be bipartisan support for doing what is practicable and possible to stop people trafficking by reducing the appeal of Australia as a destination country for trafficking, by strengthening legislation in the area and ultimately by making the business of trading in people less profitable and therefore less attractive. I am sure that all senators will acknowledge that it is completely unacceptable for even one person to fall victim to this heinous crime of people trafficking. The coalition believe that Australia has a very important regional leadership role to play in this area, and we will continue to work with the government to combat this hideous crime.

In conclusion, the coalition recognise the government's attempts to clarify the law regarding slavery and servitude, but, as set out in the coalition senators' comments in the Senate committee inquiry into this bill, we
remain concerned that the practical operation of the law as a consequence of the uncertainty and lack of definitional clarity will leave open many questions of scope and intent which will necessarily need to be resolved in expensive litigation. This is clearly not a satisfactory outcome to such an important issue, which goes to the heart of people's personal freedom and their fundamental human rights.

Senator FAULKNER (New South Wales) (21:49): The Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 strengthens the offences related to slavery and increases the prospect of a successful prosecution against those who engage in these heinous offences. Tomorrow I will speak more about this important bill.

The ACTING DEPUTY PRESIDENT (Senator McKenzie): And I look forward to hearing you.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator McKenzie) (21:52): It being 9.50 pm, I propose:

That the Senate do now adjourn.

Employment

Senator FAULKNER (New South Wales) (21:50): Access to employment with fair and equitable remuneration has always been a cornerstone of social cohesion in Australia and the quality of life that Australians enjoy, but too many women have found difficulty in finding gainful employment and, even then, too many have been unable to access fair and equitable remuneration. It is the responsibility of the Commonwealth, working with state governments, unions and the business community, to increase women's participation in the workforce and close the pay gap between men and women.

Last year, the Workplace Gender Equality Agency published gender pay gap statistics. They show that the pay gap sits at an alarming 18 per cent—that is, $250 a week. Those statistics show that the average weekly ordinary earnings of a woman working full time are $1,186.90, or $250.50 per week less than men, who on average earn $1,437.40 per week. Unsurprisingly, the public sector fares better than the private sector, with a 12.9 per cent gap compared to a 20.8 per cent gap.

This contributes to the ACT's pay gap remaining the smallest nationally at just 12 per cent, with Western Australia a long way back at 25.8 per cent.

Industry statistics show it is the healthcare sector which has the most alarming gap, at 32.6 per cent. Public administration and accommodation and food services are both on eight per cent. Women aged 45 to 49 are the hardest hit, with a pay gap of almost 27 per cent.

Not only are women underpaid, when compared to their male counterparts, but women also remain significantly underrepresented in the workforce. Despite representing slightly over 50 per cent of the population and over 50 per cent of university enrolments, women represent just 45 per cent of the workforce. The recent statistics from the Workplace Gender Equality Agency show that only 65.3 per cent of women work, whereas 79.7 per cent of men are employed. Over the past decade, the male participation rate has remained steady at around 78 per cent to 79 per cent, while female participation rates have grown from 60.3 per cent in 2001 to 65.3 per cent today. This means that just about all the recent growth in labour force participation has been female.
There are many reasons why there are fewer women in the workforce, but discrimination on the basis of gender related to family caring responsibilities remains a key barrier to equal workplace participation. Many women, as we know, take time away from work to raise a family. The flow-on effect of this is that many women lose valuable time and experience from the workforce, leading to difficulties for many who wish to re-enter the workforce.

Helen Conway has pointed to the research by Catalyst that suggests that even when women do 'all the right things', they are unlikely to earn as much or advance as far as their male colleagues. Catalyst puts this down to 'entrenched sexism'. Sheryl Sandberd, Chief Operating Officer of Facebook, recently pointed to studies which show that there are psychological reasons which contribute to the lower rates of female workforce participation. These are twofold: first, women consistently underestimate their abilities, while men generally overestimate their own abilities; and, second, women attribute success to external factors, while men attribute success to their own abilities. But these psychological hurdles are not genetic or physiological; they are entrenched when society is male dominated. Other factors which a recent regulatory impact statement found contribute to the lower rate of female participation include the impact of sexual harassment, bias in recruitment and insufficient data.

The government's recent Workplace Gender Equality Act has meant some important new initiatives will increase participation rates and reduce the pay gap between men and women. Its centrepiece is a new and improved reporting system. Workplaces with more than 100 employees will make reports based on uniform indicators. Streamlining the indicators will make it easier for businesses to make comparisons with competitors and allies and easier to compare their results with past years and track their gender workplace statistics. These uniform indicators will also allow governments to have more accurate and usable statistics for future public policy decisions.

The reports will now need to be signed off by a CEO. This will bring gender workplace pay and participation issues to the top and encourage serious responses from CEOs. The uniform indicators are gender composition of the workforce; gender composition of governing bodies; equal remuneration; availability and utility of flexible working arrangements to support family or caring opportunities; consultation with employees on gender issues; and other matters as defined in subsequent legislation.

The process for lodging statistics has also changed: employees and employee organisations must be invited to contribute to the reports; the final reports must be made available to shareholders and employees; and misleading or late reporting or failure to comply with the act can lead to the naming and shaming of that employer by the minister, or even a declaration on ineligibility to compete for Commonwealth grants or tenders.

Creating fair and equitable access to employment with fair and equitable remuneration is a core responsibility of government. I applaud the government's recent initiatives to improve female participation in the workforce and reduce the gender pay gap, and I look forward to seeing the results of this important legislation, the Workplace Gender Equality Act, which has recently passed the parliament.

**Maritime Union of Australia Conference**

**Senator ABETZ** (Tasmania—Leader of the Opposition in the Senate) (21:58):
Tonight I call on the Minister for Workplace Relations, Mr Shorten, to desist from opening the Maritime Union of Australia Conference in Western Australia tomorrow morning. The conference is self-styled, self-described, as having the theme of ‘140 years of militant struggle’—and I am quoting from their media release. Militancy in the trade union movement is its ugly face. It is the face we have seen on the walls; the face we have seen at the Myer emporium, where workers were intimidated and pleaded with their own union to stop threatening them and where horses were attacked and where police were attacked.

It is the ugly face that we saw at the Queensland Children's Hospital, at Little Creatures Brewery and at City West Water.

Militancy is the combative and aggressive ugly face of trade unionism that gives the vast majority of decent unionists a bad name. But here we have the minister celebrating this ugliness by opening a union conference unabashedly themed around aggression and militancy. After recording an eight-year record high in strikes around Australia and witnessing some of the worst elements of militant unionism, one would have thought that Mr Shorten would not have embraced this militancy and opened this conference. What he will be doing tomorrow morning, if he does not desist, is to give legitimacy to this sort of behaviour. He will be giving an official government imprimatur to this union's militancy.

While workers are showing up to work facing an environment of disgusting thuggery, militancy and intimidation from union bosses, they do not expect the Minister for Employment and Workplace Relations to be opening a conference that celebrates this type of militancy and thuggery. Mr Shorten needs to answer a few questions. Does the minister's attendance at a conference celebrating militant trade unions mean that he also supports MUA officials who have circulated posters labelling workers as scabs in direct violation of this Labor government's own Fair Work Act? Will the minister demand that union bosses in the building and construction sector act within the law? Will Mr Shorten call on union bosses to stop commencing illegal picket lines, again in direct violation of Labor's own Fair Work Act—and, might I add, in direct violation of his recent bullying announcement? Importantly, will he accept the important recommendations from his own million-dollar fair work review to plug holes in the Fair Work Act allowing union bosses to engage in this militancy? I doubt it, and we shall see what he does. It is curious, however, that Mr Shorten has in fact been invited to Western Australia when I understand no visa has been provided to the Prime Minister to visit Western Australia until 9 March is over.

Unfortunately, what we have seen from this minister is his incapacity to divorce the ex-union boss that he is from his task as the minister of the Crown responsible for matters workplace relations. This is a minister who thinks that his ministerial post is somehow an upmarket extension of his former task as a trade union boss. Indeed, recently at that quite bizarre gathering of the Australian Workers Union, where we saw the singing of Solidarity Forever—I am sure it warmed the cockles of the hearts of certain people in North Korea and Cuba, but I am not sure it has a lot of relevance for Australia in 2013—the minister said:

I am very proud to carry in the Parliament of Australia every day my union membership card. As a minister of the Crown, one of the obligations is to put those things aside. When I became Minister for Fisheries, Forestry and Conservation I even resigned my membership of Timber Communities...
Australia, because I did not want anybody to assert that I had a conflict of interest. When I became the shadow minister for innovation, industry, science and research I ensured that I was no longer a member of any chamber of commerce, because I did not want to be seen as having a potential conflict of interest. But here is a minister completely brazen about what he sees his role as—that is, just an extension of his former job as national secretary of the Australian Workers Union. Then he came up with a lame excuse in the speech: 'I will say it again: I am pro-union.' He went on to say: 'I am also pro-family. I am also pro-employer and pro-business.'

If that is the case, where is his membership card of the Australian Family Association? Where is his membership card of some chamber of commerce and industry? Of course, he does not have those membership cards, but his union membership card, the fact that he was secretary of the Australian Workers Union? Yes, he should celebrate that; yes, he should be proud of that. We all come into this place and into ministerial roles with our backgrounds—that is part and parcel of this place. But when you become a minister you have to put that background behind you and act in the national interest. You cannot front up to a union conference, wave your union card and say: 'Every day I act like a trade union official when I am in the parliament and as minister for workplace relations.' You have to rise above it, and that is something that Mr Shorten has failed to do time and time again since his appointment.

Now we have this latest escapades where the minister is fronting the Maritime Union of Australia's national conference with the theme of celebrating 140 years of militant struggle. The dictionary tells me that militancy is about aggressiveness and combativeness, not about negotiation, not about resolution of issues, not about discussion. This is about militancy and celebrating militancy.

When I asked a question on notice of the minister, because he at one stage had referred to 'bad apples' or 'bad trade unions' in an interview, I asked him to provide all the examples that he meant by that. He could only bring himself to mention the Health Services Union. Really? Why could he not comment on the CFMEU drug and alcohol foundation rort that has just recently been exposed in New South Wales, where money has been gathered just like the Australian Workers Union scandal that the Prime Minister involved herself in—either wittingly or unwittingly, I am willing to give her the benefit of the doubt. Where is Mr Shorten on that? No mention of the Australian Workers' Union scandal as an indication of trade unionism gone bad. No mention of the CFMEU drug and alcohol foundation as an indication of trade unions that have gone bad. No mention of the Electrical Trade Union's waterside mansion for an official in Sydney as an indication of trade unionism gone bad. This is, regrettably, simply another case of Mr Shorten not been able to divorce himself from his former role as a trade union boss.

In the concluding moments could I simply again request that Mr Shorten desist from attending the MUA conference, and he might like to consider his role as minister requiring him to repudiate trade union militancy and all its associated ugliness. That is why he should not be attending tomorrow morning at the MUA conference.

International Women's Day

Senator RHIANNON (New South Wales) (22:09): International Women's Day is on 8 March and this year its theme is the Gender Agenda: Gaining Momentum. To all women who work in parliament: Happy International Women's Day. There has been
momentum around women's rights, but in Australia there are still considerable challenges. Whether it is reducing violence against women, expanding job opportunities, achieving pay equity or legalising abortion in all jurisdictions, it is clear that we still have much to do.

This is an important year for Australian women because we face a federal election and the spectre of an Abbott government. The Prime Minister and her team surely know it is time to do the heavy lifting and cooperate to achieve important reforms for women's rights. History shows Mr Abbott's views on women's lives are regressive. His minders, in an attempt to shore up the opposition leader's straitjacket to try to limit a repeat of his more outrageous statements, but the mud has rightly stuck, and women are understandably wary.

In the late 1970s, as the women's movement rapidly gained speed in Australia, Mr Abbott said:

I think it would be folly to expect that women will ever dominate or even approach equal representation in a large number of areas simply because their aptitudes, abilities and interests are different for physiological reasons.

As recently as 2004 he described the practice of abortion as:

... an objectively grave matter has been reduced to a question of the mother's convenience.

As opposition leader, when commenting on Australia's aid being allocated for sexual and reproductive health services, including abortion, he opined:

...surely there are higher priorities for Australia than funding things like that.

As IWD approaches it is timely to place on record 10 important priorities that the Australian Greens have for the Labor government to keep the momentum on women's equity, in line with the 2013 International Women's Day theme, and to strengthen the Abbott-proof fence.

First call is for the re-establishment of a gutsy and proactive office for the status of women within the Department of Prime Minister and Cabinet. An effective and dedicated office responsible for women's equity within the Prime Minister's office was a success until former Prime Minister John Howard downgraded it by merging it with the Department of Family and Community Affairs and renamed it the Office for Women. Since that time, while I commend the efforts of hardworking women bureaucrats within the office who continue to push gender equity, the spotlight on women's issues has dimmed considerably. A telling commentary on the role of the Office for Women is found in its answers to a question on notice last year. When asked to describe recent work in important government reforms, the office answered: 'as the measures identified all involve complex policy and program considerations they are managed by the departments with the relevant responsibility and broad-ranging expertise … the Office for Women liaises with the appropriate area … to ensure the issues for women are identified, understood and taken into account. The Office for Women is ready to assist in relation to gender equality.' Australia needs more than a back-seat driver for women's issues. We need a feisty office for the status of women within the Department of Prime Minister and Cabinet. That sad quote underlies how badly needed that is.

That is our first priority. A second priority is equal pay. The gender pay gap currently sits at 17.5 per cent, widening from 15 per cent since the Howard years in government. The $2.8 billion the Gillard government allocated to implement Fair Work Australia's decision for community workers is welcome, but far more is needed to pressure resistant
states, such as the O'Farrell coalition government, to budget for equal pay increases. A clear and comprehensive plan to tackle systemic inequity is critical.

Our third priority covers women at work. Women's participation in the workforce would be boosted with more flexible work practices, which would also reduce the stress of combining work, family and caring responsibilities. On this front, the ACTU has renewed its campaign, and in step with this the Labor government should back Greens MP Adam Bandt's Fair Work Amendment (Better Work/Life Balance) Bill to expand the right to request flexible working hours and, unlike the government's recent flexible work proposal, allow Fair Work Australia to rule on requests for flexible work arrangements.

Our fourth priority is superannuation—another area where women's work-related fortunes are lagging well behind that of men. It is clear that there is an urgent need for the government to address tax and policy settings around super. Part-time work, caring responsibilities and lower pay all help see the average super payout for women sit at roughly one-third that of men. Tax concessions on superannuation are costing the public purse around $30 billion each year, with almost half the tax concessions going to the top 12 per cent of earners who are predominantly men.

If women are eligible for the lower tax rate of 15 per cent, as far more women than men are, their super tax concession is actually nothing. The government's plan to increase super contributions from nine to 12 per cent is no silver bullet to tackle this inequity. The Henry tax review argued against it because it would disadvantage low-income workers. Prominent feminist commentator Eva Cox argues the $8 billion this would cost is better spent increasing the minimum pension level to boost the income of low-income retirees, who, as we know, are mainly women. The Greens have a plan to tax superannuation contribution at a person's marginal tax rate minus 15 per cent. This would mean low-income earners, primarily women, would pay no tax, therefore allowing them to save more money for their retirement. Other proposals to be activated include offering paid parental leave with superannuation, as championed by Greens Senator Sarah Hanson-Young.

Our fifth priority is reform of government welfare programs. Women are the big loser from the government's Newstart and income management policies. The government's tight-fisted increase of $4 per week is an insult. Senator Rachel Siewert's bill to increase the maximum single rate of Newstart by $50 per week—a reasonable ask considering the single rate of Newstart is more than $130 under the poverty line—is realistic. A tougher mining tax is one way to pay for this urgently needed reform.

Our sixth priority is to scrap income management. Evidence on the implementation of income management in the Northern Territory shows it is failing women and should be scrapped. Studies of the 180 women who had lived with income management in the NT revealed that 85 per cent had not altered what they purchased and 74 per cent felt discriminated against. The fear of income management from Aboriginal women and women from non-English-speaking backgrounds in Bankstown—one of five extra trial sites—is clear. Investment in jobs and services is needed, not this heavy-handed paternalism.

Our seventh priority covers women's reproductive and sexual health. Attacks on women's reproductive rights are possibly the most feared outcome of an Abbott-led government. Guaranteed access to safe and
confidential reproductive health services, including abortion, is what a majority of Australians want when they say they support a woman's right to choose. PBS listing and the eventual subsidising of RU486 and Misoprostol to enable non-surgical abortion to be more widely accessible, particularly to women living in rural and regional Australia, is critical.

Our eighth priority is to protect reproductive and sexual health projects in our foreign aid program, as the spectre of interference in reproductive rights also extends to Australia's overseas aid. We need to have a vocal commitment to continue and to increase aid funding for sexual health, reproductive control and family planning programs, with no strings attached, to avoid a repeat of the Brian Harradine years.

Our ninth priority addresses the crime of violence against women. The next Commission on the Status of Women, to be held soon after IWD in New York, will focus on eliminating violence against women and girls. Reform in Australia has been too slow for the estimated 1.2 million Australian women who have experienced domestic or family violence.

Our 10th priority is to recognise two important anniversaries significant in the history of women's struggle. The year 2013 is important as the 110th anniversary of Australian women winning the right to vote and to stand in elections and the 70th anniversary of the election of the first woman to the federal parliament. In an election year women are rightly looking ahead and asking what will the next government deliver, particularly to improve their lives. The ‘to do’ list I have outlined is diverse but achievable. (Time expired)

National Broadband Network

Senator GALLACHER (South Australia) (22:19): My contribution tonight is in relation to an article which appeared in the Adelaide Advertiser in early February. It was entitled 'NBN lifts school grades'. As part of my duties on the NBN committee I had visited Willunga High School, which is approximately 47 kilometres from Adelaide. It was the NBN first-release site in South Australia in September 2011. Willunga High School was amongst the first mainland schools in the country to be connected to the NBN. In 2012 there were 660 students with 54 teaching staff and 32 non-teaching staff. Willunga High School Principal Ms Janelle Reimann states in the Advertiser article that the NBN has helped to lift grades amongst students at the school. She is quoted in the article as saying, 'Students who used to hand in C-grade work are now producing A-grade work.' She went on to say, 'Improvement in grades has been reported by a number of teachers.' Unfortunately, this sort of news gets a couple of paragraphs on page 5 of the South Australian newspaper. I suppose good news does not always get the prominence it deserves. But this is a good news story which highlights just what benefits can come from an initiative like the NBN.

We are seeing this technology change the way that students are learning. The principal at this school has very strong beliefs about the positive benefits that the high-speed broadband brings not only to her school but also to the wider area. She believes that e-learning has transformed the way that students are learning at Willunga High: e-learning has broken down walls and has exposed the school to a greater range of learning options. I want to place on record my commendations and goodwill towards principals like Ms Reimann, teachers and the greater school community, who have driven this new approach to learning and who are accepting the change that this brings and delivering excellence in education.
Principal Reimann has conveyed to my office that not only has the NBN opened up resources to teachers, but that programs such as Edmodo have helped encourage students to become more engaged in their learning. The article read:

This included the use of Edmodo, a social networking website for students and teachers. Ms Reimann went on to say in the article:

What you can do, for example, is post a question and get the students to answer online …

In the classroom, you might get five kids answering but in some instances we were getting 197 responses to one question. Kids that don’t normally have a voice in the class will post in that medium.

I think this is a really remarkable breakthrough. Ms Reimann also said in the article:

With much faster and more consistent services, we're able to bring in new ways to teach across the curriculum.

Not only has the NBN delivered high download speeds; it has also delivered high upload speeds. This has allowed students to interact in real time and to access alternative educational resources. Some examples included year 10 students being able to link with the John Monash Science School as well as students being exposed to high-level astrophysics. Drama students were able to interact with the Bell Shakespeare Company in Sydney, broadening their learning horizons. The interactive lessons also broadened teachers resources and broadened the students' overall learning. So the NBN has positively affected not only students' grades but also their attitude to learning. It has given them more confidence and broadened their learning generally.

The study that this article refers to is entitled 21st Century Teaching Strategies for a Highly Connected World, which took place from June 2012 to August 2012. Willunga High School, along with two other schools, was the focus of the study, and it also involved 60 teachers. Once the program was completed, the results from the program found that 86 per cent of teachers involved reported that services provided over the NBN were helping them to teach in much more powerful ways. Willunga High School was able to change the way that students were taught and the way that students were learning as a result of the NBN.

Ms Reimann also said in the report that the NBN had facilitated a revolutionary change in the delivery of content and co-contribution of learning input. It had given students an equal voice in what they want to learn and how they wish to learn it, bringing the world into their classroom. The report tells us that, over 10 weeks, teachers saw visible changes in their students and in their classrooms. The students' learning outcomes changed over this time as 21st century teaching strategies were being used to teach students of the 21st century.

The survey results found 96 per cent of teachers agreed that the NBN will increase their capacity for professional development and learning; 96 per cent also believed that the NBN will allow students to achieve more and that it will increase the quality of their work; and 86 per cent said the NBN will enable them to teach in much more powerful ways. These testimonials and the study and report are quite clear and unequivocal evidence, in my humble view, that the NBN is delivering on what it promised to do.

In the 21st century, broadband is as essential as electricity or water. It is basic infrastructure. Australian families rely on it and Australian businesses cannot do without it. If this is the Asian century then world-class broadband is a necessity and, without it, we will fall behind our global and regional competitors. We need the NBN to secure our
The economic future and also our educational future. The NBN will facilitate the high-skilled jobs of the future. It will mean Australians will be able to keep up and not fall behind. Most importantly, it will close the gap between the city and the bush.

The South Australian Primary Principals Association president, Steve Portlock, said that rural educators in particular were crying out for better internet connections to close that gap between the city and the bush. Australian homes, schools, hospitals and businesses will be connected to fibre with speeds of up to one gigabyte per second. This technology could also be upgraded extremely simply. The benefits for farmers, business, education and, in particular, health are endless.

But what do we hear from the other side? Willunga is currently in the seat of Kingston, represented by hardworking MP, Amanda Rishworth. The result of the South Australian redistribution has meant that Willunga will now be incorporated in the nearby seat of Mayo, whose member, Mr Briggs, has likened the NBN to 'driving a Ferrari in a 50 zone'. So, basically, Mr Briggs's attitude to the NBN is that it is too fast; no-one wants it; there are some people out there who might be able to use it. I find it extremely difficult to understand why the person who is going to represent the area in which Willunga school resides would not understand that this school of 660 students and 86 teaching and school staff are showing the way forward. They are using the NBN potential and driving the Ferrari in his 50 zone.

Senate adjourned at 22:27

DOCUMENTS
Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

A New Tax System (Goods and Services Tax) Act—Select Legislative Instruments 2013 Nos—

6—A New Tax System (Goods and Services Tax) Amendment Regulation 2013 (No. 1) [F2013L00200].

7—A New Tax System (Goods and Services Tax) Amendment Regulation 2013 (No. 2) [F2013L00202].

Appropriation Act (No. 1) 2010-2011—Determination to Reduce Appropriations (No. 5 of 2012-2013) [F2013L00207].

Australian National University Act—

Australian National University Academic Board Statute 2013 [F2013L00257].


Interpretation Statute 2013 [F2013L00256].

Medical Leave Statute 2007—Medical Leave Rules 2013 [F2013L00269].

Programs and Awards Statute 2013 [F2013L00264].


Higher Doctorates Rules 2013 [F2013L00268].

Undergraduate Handbook Rules 2013 [F2013L00270].

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 2 of 2013—Information provided by life insurers and friendly societies under Reporting Standard LRS 100.0, LRS 120.0, LRS 210.0, LRS 300.0, LRS 310.0, LRS 330.0, LRS 340.0, LRS 400.0, LRS 420.0 and LRS 430.0 [F2013L00219].
Australian Research Council Act—
Discovery Early Career Researcher Award Funding Rules for funding commencing in 2014 [F2013L00184].
Discovery Indigenous Funding Rules for funding commencing in 2014 [F2013L00215].

Banking Act—Select Legislative Instrument 2013 No. 8—Banking Amendment Regulation 2013 (No. 1) [F2013L00206].

Broadcasting Services Act—Variations to Licence Area Plans—
Colac Radio—No. 1 of 2013 [F2013L00266].
Mount Isa Radio—No. 1 of 2013 [F2013L00259].
Nhulunbuy Radio—No. 1 of 2013 [F2013L00261].
Wangaratta Radio—No. 1 of 2013 [F2013L00263].

Civil Aviation Act—
Civil Aviation Regulations—Instrument No. CASA 24/13—Permission—flying over a public gathering at the Australian International Air Show, Avalon; Permission—flying below minimum height at the Australian International Air Show, Avalon [F2013L00211].

Civil Aviation Safety Regulations—
Airworthiness Directives—
AD/A320/96 Amdt 2—Alternate Braking System Check [F2013L00182].
AD/LYC/105 Amdt 2—Oil Filter Converter Plate Gasket [F2013L00175].

Instruments Nos CASA—
EX11/13—Exemption—from recent experience requirements for air transport pilots [F2013L00260].
EX12/13—Exemption—operations by sport and recreational aircraft in restricted area R979A [F2013L00193].
EX13/13—Exemption—turns after take-off at Australian International Air Show [F2013L00196].
EX16/13—Exemption—power-assisted glider at the Australian International Air Show, Avalon [F2013L00198].

Revocation of Airworthiness Directives—Instrument No. CASA ADCX 003/13 [F2013L00246].

Select Legislative Instrument 2013 No. 5—Civil Aviation Legislation Amendment Regulation 2013 (No. 1) [F2013L00218].

Commissioner of Taxation—Public Rulings—
Product Rulings PR 2013/1 and PR 2013/2.
Taxation Determinations—
TD 2013/3.
Taxation Rulings TR 2013/2 and TR 2013/3.

Competition and Consumer Act—

Select Legislative Instrument 2013 No. 9—Competition and Consumer Amendment Regulation 2013 (No. 1) [F2013L00187].

Customs Act—
Customs By-Laws Nos—
1243719 [F2013L00237].
1243816 [F2013L00225].
1243830 [F2013L00217].
1243872 [F2013L00220].
1244018 [F2013L00209].
1244032 [F2013L00232].
1300532 [F2013L00221].
1300533 [F2013L00238].
1300536 [F2013L00234].
1300557 [F2013L00223].
1300595 [F2013L00213].
1300601 [F2013L00224].
1300603 [F2013L00226].
1301009 [F2013L00213].
1301035 [F2013L00228].
1301053 [F2013L00241].
1301137 [F2013L00236].
1301139 [F2013L00235].
1304161 [F2013L00233].
1304168 [F2013L00239].

Select Legislative Instrument 2013 No. 1—Customs Amendment Regulation 2013 (No. 1) [F2013L00204].

Customs Administration Act—Select Legislative Instrument 2013 No. 2—Customs (Drug and Alcohol Testing) Regulation 2013 [F2013L00191].

Defence Act—
Determined under section 58B—Defence Determinations—
2013/3—Review of housing contributions and allowances—amendment.
2013/4—Living-in accommodation—amendment.
2013/5—Rent ceilings—amendment.
2013/6—Post indexes—amendment.
Determined under section 58H—Defence Force Remuneration Tribunal Determinations Nos—
2 of 2013—Trainee Allowance Amendment.
3 of 2013—Salaries—Navy Imagery Specialist—Amendment.

Environment Protection and Biodiversity Conservation Act—
Amendments of lists of—
Exempt native specimens—EPBC303DC/SFS/2013/08 [F2013L00171].
Specimens taken to be suitable for live import—
EPBC/s.303EC/SSLI/Amend/059 [F2013L00181].
Threatened ecological communities, dated 30 January 2013 [F2013L00192].
Threatened species, dated 30 January 2013 [F2013L00271].

Environment Protection and Biodiversity Conservation (Kakadu) Proclamation 2013 [F2013L00189].


Excise Act—Select Legislative Instrument 2013 No. 10—Excise Amendment Regulation 2013 (No. 1) [F2013L00199].

Export Control Act—Export Control (Orders) Regulations—Export Control (Prescribed Goods—General) Amendment Order 2013 (No. ) [F2013L00251].

Export Market Development Grants Act—

Extradition Act—Select Legislative Instrument 2013 No. 3—Extradition (Cybercrime) Regulation 2013 [F2013L00214].

Federal Financial Relations Act—
Federal Financial Relations (General purpose financial assistance) Determinations—
No. 45 (December 2012) [F2013L00227].
No. 46 (January 2013) [F2013L00229].

Federal Financial Relations (National Partnership payments) Determinations—
No. 58 (January 2013) [F2013L00267].
No. 59 (February 2013) [F2013L00231].
Financial Management and Accountability Act—Notice under section 39A—Australian Rail Track Corporation Limited (ARTC).

Fisheries Management Act—
Southern and Eastern Scalefish and Shark Fishery (Closures) Direction No. 2 2013 [F2013L00169].
Southern and Eastern Scalefish and Shark Fishery (Closures) Direction No. 4 2013 [F2013L00170].
Southern and Eastern Scalefish and Shark Fishery (Closures) Direction No. 5 2013 [F2013L00222].

Food Standards Australia New Zealand Act—
Australia New Zealand Food Standards Code—Standard 2.9.5—Food for Special Medical Purposes Notice Amendment 2012 (No. 1) [F2013L00253].
Food Standards (Application A1043—World Health Organization Limits for Packaged Water) Variation [F2013L00248].
Food Standards (Application A1070—Packaging Size for Phytosterol-enriched Lower Fat Cheese) Variation [F2013L00252].
Food Standards (Application A1071—Food derived from Glyphosate-tolerant Canola (MON88302) Variation [F2013L00249].
Food Standards (Proposal 1023—Tutin, Tocopherols & Food for Special Medical Purposes Standards Amendments) Variation [F2013L00247].
Food Standards (Proposal P242—Food for Special Medical Purposes—Consequential) Variation Amendment 2012 (No. 1)[F2013L00250].

Health Insurance Act—Select Legislative Instrument 2013 No. 12—Health Insurance (General Medical Services Table) Amendment Regulation 2013 (No. 1) [F2013L00201].

Higher Education Support Act—
Administration Guidelines 2012—Amendment No. 1 [F2013L00180].

VET Provider Approvals Nos—
6 of 2013—Sunshine Coast Institute of TAFE [F2013L00243].
7 of 2013—Bruce Hartwig Flying School Pty Ltd [F2013L00244].

Lands Acquisition Act—Statement describing property acquired by agreement for specified purposes under section 125.

Migration Act—
Migration Regulations—Instruments IMMI—
13/022—Arrangements for work and holiday visa applicants from Thailand, Iran, Chile, Turkey, United States of America, Malaysia, Indonesia, Bangladesh, Argentina and Uruguay [F2013L00174].
13/024—Payment of visa application charges and fees in foreign currencies [F2013L00172].
13/025—Places and currencies for paying of fees [F2013L00173].

Statements for period 1 July to 31 December 2012 under sections—
46A(2) [127].
48B [7].
91L [46].
91Q [6].
195A [148].
197AB [208].
198AE [13].
351 [166].
417 [132].


Mutual Assistance in Criminal Matters Act—Select Legislative Instrument 2013
No. 4—Mutual Assistance in Criminal Matters (Cybercrime) Regulation 2013 [F2013L00205].

National Health Act—Instruments Nos PB—

8 of 2013—National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2013 (No. 3) [F2013L00185].

9 of 2013—Amendment determination under paragraph 98C(1)(b) of the National Health Act 1953 [F2013L00186].

10 of 2013—National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2013 (No. 1) [F2013L00245].

11 of 2013—National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2013 (No. 2) [F2013L00254].

National Vocational Education and Training Regulator Act—Standards for VET Accredited Courses 2012 [F2013L00177].

Private Health Insurance Act—

Private Health Insurance (Prostheses) Amendment Rules 2013 (No. 1) [F2013L00203].

Private Health Insurance (Prostheses) Amendment Rules 2013 (No. 2) [F2013L00265].

Remuneration Tribunal Act—

Determination 2013/02—Remuneration and Allowances for Holders of Public Office [F2013L00242].

Retirement Savings Accounts Act—Select Legislative Instrument 2013 No. 13—Retirement Savings Accounts Amendment Regulation 2013 (No. 1) [F2013L00208].

Social and Community Services Pay Equity Special Account Act—Social and Community Services Pay Equity Special Account (Additional Program) Specification 2013 [F2013L00179].

Social Security Act—

Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 5) [F2013L00195].

Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 6) [F2013L00197].

Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 7) [F2013L00240].

Social Security (Deeming Threshold Rates) (FaHCSIA) Determination 2013 [F2013L00216].

Superannuation Act 1976—Select Legislative Instrument 2013 No. 11—Superannuation (CSS) (Superannuation Guarantee) Amendment Regulation 2013 (No. 1) [F2013L00255].

Superannuation Industry (Supervision) Act—Select Legislative Instrument 2013 No. 14—Superannuation Industry (Supervision) Amendment Regulation 2013 (No. 1) [F2013L00212].

Sydney Airport Demand Management Act—Sydney Airport Slot Management Scheme 2013 [F2013L0183].

Taxation Administration Act 1953—Nil rate determination and exemption from lodging Minerals Resource Rent Tax (MRRT) Instalment Liability Notices—Instrument (No. 1) 2013 [F2013L00262].


Governor-General’s Proclamations—
Commencement of provisions of Acts—
Aviation Legislation Amendment (Liability and Insurance) Act 2012—Schedule 1—31 March 2013 [F2013L00210].

Departmental and Agency Contracts Tabling

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:
Departmental and agency contracts for 2012—
Letters of advice—
Health and Ageing portfolio.
Treasury portfolio.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Indigenous Communities
(Question No. 2551)

Senator Siewert asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs and the Minister for Disability Reform, upon notice, on 15 November 2012:

(1) Is the Minister aware that Beagle Bay in Dampier Peninsular has a successfully run community store.

(2) Is the Minister aware of plans for a further Outback Store in Beagle Bay; if so, why are funds being directed away from the existing community store into a new Outback Store.

Senator Chris Evans: The Minister for Families, Community Services and Indigenous Affairs and the Minister for Disability Reform provides the following answer to the honourable Senator's question:

(1) Ngarlan Store Indigenous Corporation currently operates the store at Beagle Bay.

(2) Outback Stores was invited to submit a proposal to provide retail management on a fee-for service basis at Beagle Bay, which was declined by the Ngarlan Store Indigenous Corporation committee.

Fair Work Ombudsman
(Question No. 2553)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 20 November 2012:

In regard to the Fair Work Ombudsman (FWO): (1) Why have unions as employers not been selected as an industry subject to enforcement campaigns by the FWO. (2) Why would unions as employers, including union peak bodies, not welcome their inclusion as a subject of enforcement campaigns by the FWO. (3) Did an FWO officer telephone Kat Savvas on 27 July 2012 to communicate that she has no cause to pursue her contractual entitlements. (4) Why has the FWO decided that it is not in the public interest to pursue a penalty against the Australian Nursing Federation Northern Territory Branch (ANFNT) for consecutive failures to lodge agreements, given that FWO has pursued a penalty for similar failures by non-union employers. (5) Why has the FWO not accepted an undertaking by ANFNT in lieu of an FWO pursuit of a penalty, given that FWO has previously accepted such an undertaking in lieu from a non-union employer. (6) Has the FWO pursued any penalties against, or accepted an undertaking from, any union or union peak body in relation to contravention or non-lodgement of agreements between unions or peak bodies and their employees.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

(1) The Fair Work Ombudsman's national and state targeted campaigns typically involve the monitoring of compliance by duty holders with fair work instruments such as Modern Awards. The campaigns are both an education and a compliance activity. While there is no reason why registered organisations as employers could not be subject to a targeted campaign, there is little evidence in our complaints database to warrant such a compliance activity at present.

(2) The FWO is unable to respond to this question.

(3) Ms Savvas was contacted on 27 July 2012 and advised that the FWO cannot enforce entitlements under an agreement that did not commence operation. Ms Savvas was further advised that she may wish
to consider seeking to enforce the un lodged agreements as common law contracts, noting that the FWO has no capacity under the _Fair Work Act 2009_ to enforce common law contractual rights.

(4) On 16 December 2011, the FWO notified Ms Savvas about its preliminary findings and advised her that before making a decision to commence legal proceedings, the FWO needed to be satisfied that there was sufficient evidence to prosecute the case and that it must be evident from the facts of the case, and all the surrounding circumstances, that commencing proceedings is in the public interest. Ms Savvas was provided with the opportunity to respond and make submissions but failed to do so. Accordingly, the FWO was unable to establish any evidence of Ms Savvas being financial disadvantaged or having been denied a benefit by the ANF – NT for its failure to lodge the 2007 Agreement. As a result of Ms Savvas' refusal to engage with the investigation in a formal interview process and the resulting lack of evidence, the FWO determined that commencing proceedings and pursuing this matter further was not in the public interest, taking into account all surrounding circumstances.

(5) The FWO enters into Enforceable Undertakings with duty-holders in accordance with the FWO's Guidance Note on the _FWO Enforceable Undertakings Policy_ (Guidance Note 4) published on the FWO's website at www.fairwork.gov.au/fwoguidancenotes/GN-4-FWO-Enforceable-Undertakings-Policy.pdf. An Enforceable Undertaking was not considered by the FWO in this matter as the investigation failed to disclose any requirement to compensate 'persons who have suffered loss or damage as a result of the contravention' or a situation wherein an Enforceable Undertaking 'would have ensured continuing compliance that was not available via an order from a court' (see paragraph 5.4 of GN 4).

(6) No.

**Climate Change**  
(Question No. 2554)

**Senator Ludlam** asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice on 20 November 2012:

With reference to the quantitative study of current and projected Western Australian greenhouse gas emissions conducted by Mr Robin Chapple, which shows that new industrial development pending approval by the Western Australian Government is set to emit a further 83 to 128 million tonnes of CO2e per annum (available at http://www.robinchapple.com/wa-co2e-emissions-estimates-2012):

(1) Does the Minister concur with the accuracy of the summary data on existing and potential future emissions sources as presented in this study.

(2) Does the Government consider that these findings are compatible with a 5 per cent reduction in net greenhouse gas emissions by 2020; if so, how.

(3) Does the Government consider that these findings are compatible with an 80 per cent reduction in net greenhouse gas emissions by 2050; if so, how.

**Senator Ludwig:** The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

1. The National Greenhouse Gas Inventory (NGGI) has estimated Western Australia's emissions to be 74 million tonnes of carbon dioxide equivalent (Mt CO2-e) in 2010. This estimate is used in the report.

Mr Robin Chapple has estimated that projects under construction or pending approval by the Western Australian Government may result in Australia's annual emissions increasing by between 83 to 128 Mt CO2-e by 2020 if all proposed industrial and resource projects go ahead and no additional
abatement is undertaken. These projects include major LNG and iron ore projects being undertaken in Western Australia, Northern Territory and the Joint Petroleum Development Area. The Bureau of Resource and Energy Economics’ Resources and Major Projects: October 2012 publication identifies that around half of these projects are committed. If all committed projects were to go ahead and no abatement is undertaken, the increase in emissions could be around half of what is estimated by Mr Chapple.

Emissions from major iron ore and LNG projects are covered by the carbon price mechanism. Under a carbon price these projects face strong economic incentives to reduce emissions in the cheapest possible ways including through the use of renewable energy, carbon capture storage and other lower emissions technologies. Accordingly, we would question the assumption that no additional abatement will be carried out.

2-3. The Government is committed to reducing Australia’s net emissions to at least 5 per cent below 2000 levels by 2020 and 80 per cent below 2000 levels by 2050.

A carbon price is the most environmentally and economically efficient way to reduce pollution. Through the imposition of a cap on covered emissions the carbon pricing mechanism will achieve Australia’s emissions reductions targets through a mixture of domestic and internationally sourced abatement. The commencement of new projects between now and 2020 will not alter the unconditional 5 per cent outcome, the ability to meet more stringent targets if the relevant target conditions are met or the ability for the net reduction of 80 per cent by 2050 to be achieved.

Muckaty Land Trust (Question No. 2556)

Senator Ludlam asked the Minister for Resources and Energy, upon notice, on 20 November 2012:

(1) Has the Minister for Resources and Energy, Mr Martin Ferguson, visited the Muckaty Land Trust in the Northern Territory:

(a) if so: (i) when did this occur, (ii) at whose invitation, (iii) with whom did the Minister meet, (iv) who accompanied the Minister on the trip, (v) did the Minister meet with any Muckaty Traditional Owners or representatives of the Northern Land Council to discuss the proposal for a national radioactive waste dump at Muckaty, and (vi) can the Minister provide notes or records arising from the meetings; and

(b) if not, why did the Deputy Secretary of the department recently state at a presentation at St Ignatius College, Riverview in Sydney, that the Minister has visited the Muckaty Land Trust.

(2) If an alternative site is nominated on the Muckaty Land Trust to be assessed for a national nuclear waste facility, will a site assessment comparable to that previously undertaken by Parsons Brinckerhoff, which examined four sites in the Northern Territory, be required.

(3) Has any work been done to prepare a tender for assessment of an alternative site at Muckaty or elsewhere.

(4) Has preparation of a tender and award of a contract been budgeted; if so, how much would this cost and what timeframes are being considered.

(5) Can the Minister provide all correspondence with the Northern Land Council (NLC) relating to the proposed additional site to be nominated on the Muckaty Land Trust.

(6) Has the department engaged in any formal or informal discussions or consultations about other potential sites outside of the Muckaty Land Trust for a national radioactive waste facility.

(7) Was a meeting convened by the NLC on the Muckaty Land Trust on Wednesday, 7 November 2012, to discuss a proposed new site for a national radioactive waste dump.
(8) Which Commonwealth officers attended the meeting, who invited them and what was the purpose of their attendance.

(9) Were Northern Territory police stationed at the turnoff to Muckaty Station as people arrived to attend the meeting; if so:
   (a) were the Commonwealth officers aware prior to their arrival that the police would be there;
   (b) what was the rationale for the deployment of police; and
   (c) who requested the police to be present.

(10) Is it standard practice for police resources to be deployed around a community meeting.

(11) Can copies be provided of:
   (a) the invitation given to the Minister or department to attend the meeting; and
   (b) any presentation notes that were delivered or distributed to people at the meeting.

(12) What was the outcome of the meeting.

(13) What follow-up actions have been undertaken or committed to by any federal officers or agencies.

(14) Did the NLC provide the Commonwealth with information about who had been invited to, and/or was in attendance at, the meeting.

(15) Did the Minister or departmental officers request the:
   (a) attendance; and
   (b) non-attendance, of particular people; if so, who.

(16) Given that the NLC Principal Legal Officer, Mr Ron Levy, indicated at a press conference on Crab Claw Island on Tuesday, 13 November 2012, that a specific site is known to the NLC, was the specific site for an alternative or additional nomination discussed at the 7 November 2012 meeting on the Muckaty Land Trust; if so, was the alternate site referred to with a name or geographical location.

(17) Can the Minister provide the precise geographical location of the proposed location of the alternative site referred to by Mr Levy.

(18) Has an assessment been made of the impact any further site nomination on the Muckaty Land Trust would have on the current Federal Court action contesting the current site nomination; if so, can the assessment be provided.

(19) Has the Commonwealth Government attended or been notified of any other meetings convened by the NLC to discuss the proposed nomination of an additional site on the Muckaty Land Trust; if so, can any written or electronic correspondence from the NLC with regard to these meetings be provided by the department.

(20) Is the department aware of any future consultation meetings planned regarding the proposed additional site.

(21) Has the Minister or department discussed with the NLC granting West Banka Banka Station as Aboriginal land as a benefit for nominating an additional site on the Muckaty Land Trust for a national nuclear waste facility.

(22) Can the department provide all correspondence and notes relating to compensation for any additional site nomination made on the Muckaty Land Trust or any alternate site.

(23) What is the relationship between Traditional Owners of West Banka Banka Station and Traditional Owners of the Muckaty Land Trust.
Senator Chris Evans: The Minister for Resources and Energy has provided the following answer to the honourable senator's question:

(1) (a) On 3 March 2010, the Minister met a delegation of Ngapa persons including a member of the Muckaty Aboriginal Land Trust and representatives of the Northern Land Council (NLC) in Darwin, including in relation to the National Radioactive Waste Management Bill 2010. The Minister attended this meeting at the invitation of the NLC. One Departmental representative and one advisor from the Minister's office attended the meeting. There were no records or notes that arose from the meeting. The Minister has not been on the Muckaty Aboriginal Land Trust land (Muckaty Outstation).

(b) See answer to Question 1 a).

(2) Yes. A site assessment will be conducted regarding any additional sites which may be nominated under the National Radioactive Waste Management Act 2012.

(3) No. However, the Commonwealth Procurement Rules, Rule 7.7 provides that in order to draw the market's early attention to potential procurement opportunities, each agency publish an annual procurement plan on AusTender containing a short strategic procurement outlook.

On 3 September 2012, the Department of Resources, Energy and Tourism updated its Strategic Procurement Outlook, to incorporate the possibility of a need for biophysical characterisation of potential radioactive waste management site(s). This information is publicly available on the AusTender website.

(4) If site characterisations for additional sites are undertaken in the 2012-13 financial year, funding would be provided for under Program 1 Annual Administered Expenses (Radioactive Waste Management), Budget Portfolio Statements 2012-13, Budget Related Paper No.1.17, Resources Energy and Tourism Portfolio, (see page 25). Any future tender process will be conducted in accordance with the Commonwealth Procurement Rules and outcomes on costs and timeframes will be determined by this process.

(5) It would be inappropriate to pre-empt the proper conduct of the statutory process by releasing any correspondence or documentation relating to a potential additional nomination of land on the Muckaty Aboriginal Land Trust.

(6) No.

(7) Yes.

(8) Two Departmental Officers from the Resources Division attended the meeting on the invitation of the Northern Land Council. The purpose of their attendance was to provide information and respond to questions regarding the passage of the National Radioactive Waste Management Act 2012 and radioactive waste management policy.

(9) Yes.

(a) No – they were advised on arrival.

(b-c) Questions regarding the rationale for the deployment of local police on the turnoff to Muckaty Station are a matter for the Northern Territory Police.

(10) See answers to Question 9.

(11) See answer to Question 5.

(12) The outcome for the Department of Resources, Energy and Tourism of the meeting was the provision of factual information and responses to questions raised by the attendees on the National Radioactive Waste Management Act 2012 and radioactive waste management policy.

(13) Departmental officers offered to respond to any subsequent requests for information on the National Radioactive Waste Management Act 2012 and radioactive waste management policy.
On 28 November 2012 a delegation from the Northern Land Council visited the Australian Nuclear Science and Technology Organisation (ANSTO) campus at Lucas Heights in New South Wales. Information was provided on the generic concept design work and ANSTO officers provided factual information on radiation and radioactive waste and conducted a tour of the premises, including the radioactive waste inventories held at Lucas Heights.

(14) The NLC did not advise the Department of the names of those invited or who attended the meeting on 7 November 2012.

(15) (a) – (b) No.

(16) Additional areas of land on the Muckaty Aboriginal Land Trust for potential nomination were identified at the 7 November 2012 meeting.

The specific location of any nomination that may be made will be identified through the statutory process. This includes consultations with traditional Aboriginal owners, interested Aboriginals, and Aboriginal communities or groups that may be affected by a proposed nomination.

If an additional nomination is made, section 8(2) of the National Radioactive Waste Management Act 2012 provides that a nomination must include:

- survey points (if available);
- geographical coordinates; and
- portion numbers, title identifier or volume and folio numbers etc (where these are appropriate descriptors of the nomination).

(17) See answer to Question 16.

(18) No assessment has been sought on the impact of further site nominations on the Muckaty Aboriginal Land Trust (or from another Land Council). The Department has had discussions on the matter with its legal advisors, however providing material as a result of these discussions would result in the Department waiving legal privilege.

The National Radioactive Waste Management Bill 2010 was first introduced in February 2010; four months before the Applicants lodged their application in the Federal Court. The Bill always anticipated the ability for additional nominations to be made either by the NLC or the other Land Councils in the Northern Territory.

Any impacts of subsequent nominations on the Federal Court matter are a question for the Court.

(19) The Department has not attended or been notified of any other meetings convened by the NLC to discuss the proposed nomination of an additional site on the Muckaty Aboriginal Land Trust land.

(20) No.

(21) Yes. At the time of the 2007 nomination, the then Howard Government and Department discussed with the NLC the possibility of scheduling the western portion of Banka Banka Station as Aboriginal land under the Aboriginal Lands Rights (Northern Territory) Act 1976 as a regional benefit. The current Minister and Department have discussed that arrangement with the NLC in relation to both the 2007 nomination and any additional nomination on Muckaty Station. The Indigenous Land Corporation purchased Banka Banka West in October 2010.

(22) See answer to Question 5.

(23) Matters relating to traditional ownership should be referred to the Northern Land Council.
Environment Protection and Biodiversity Conservation Act
(Question No. 2557)

Senator Ludlam asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, in writing, on 20 November 2012:

With reference to offsets for land clearing in Western Australia, required in accordance with the conditions attached to Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) approvals:

(1) Can a list be provided of all offsets requested since 2000 for the state of Western Australia, excluding the Perth and Peel region, using the following headings:
   (a) name and details of project, EPBC reference and decision date;
   (b) location of development;
   (c) vegetation type and ecological community impacted, and their declared status under the EPBC Act;
   (d) area cleared, in both hectares and as a percentage of the total remaining habitat and vegetation of equivalent or better quality;
   (e) dates/times when the land was cleared and when the offset was secured, including a description of the offset detailing its size, vegetation type, ecological community, tenure and management status prior to becoming an offset;
   (f) location of the offset, including its distance from the original site and, if applicable, the name of the site;
   (g) current management, tenure and protection status of the offset; and
   (h) description of steps taken by the department to ensure the establishment and/or adequate maintenance of the site, including dates on which reports have been received by the proponent on the status of the offset (if required), and dates and details of any audits undertaken by the department relating to the establishment and/or maintenance of the offset.

For the same region, can a list be provided of all approvals refused under the EPBC Act since 2000, indicating the proportion this represents against the total number of applications.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) Given the broad scope of the question placed on notice in terms of time period, the large number of projects involved and the detailed analysis of data required, I consider that the preparation of answers would involve a significant diversion of resources. In the circumstances I do not consider that the additional work can be justified.

Information regarding the Department of Sustainability, Environment, Water, Population and Communities (the department) offset policy can be found on the department's website. The department has recently developed an offsets mapping tool which will allow future offsets to be entered into a spatial database to improve data available for decision-making, monitoring and compliance.

Since the commencement of the EPBC Act, no projects referred in Western Australia have been deemed either clearly unacceptable or not approved.
Environment Protection and Biodiversity Conservation Act (Question No. 2558)

Senator Ludlam asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 20 November 2012:

With reference to approvals for land clearing in major cities under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act):

(1) Can a map and table be provided for each major city identifying the location and type of vegetation where clearing has been approved under the EPBC Act since 2000, using the following headings:

(a) name and details of project;
(b) location of development;
(c) vegetation type and ecological community impacted, and their declared status under the EPBC Act;
(d) area cleared, in both hectares and as a percentage of the total remaining habitat and vegetation of equivalent or better quality;
(e) dates/times when the land was cleared and when the offset was secured, including a description of the offset detailing its size, vegetation type, ecological community, tenure and management status prior to becoming an offset;
(f) location of the offset, including its distance from the original site and, if applicable, the name of the site;
(g) current management, tenure and protection status of the offset; and
(h) description of steps taken by the department to ensure the establishment and/or adequate maintenance of the site, including dates on which reports have been received by the proponent on the status of the offset (if required), and dates and details of any audits undertaken by the department relating to the establishment and/or maintenance of the offset.

Can a list of all approvals refused under the EPBC Act since 2000 be provided, indicating the proportion this represents against the total number of applications.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) Given the broad scope of the first question placed on notice, I consider that the preparation of answers to the first question placed on notice would involve a significant diversion of resources and, in the circumstances, I do not consider the additional work that would be required can be justified.

Information regarding the Department of Sustainability, Environment, Water, Population and Communities (the department) offset policy can be found on the department's website. The department has recently developed an offsets mapping tool which will allow future offsets to be entered into a spatial database to improve data available for decision-making, monitoring and compliance.

Since 2000 there have been approximately 3661 decisions made on proposed actions referred under the EPBC Act. The following proposed actions have been deemed either clearly unacceptable or not approved:
### QUESTIONS ON NOTICE

#### Decision on referral / Clearly unacceptable

<table>
<thead>
<tr>
<th>EPBC Reference Number</th>
<th>Title of Referral</th>
<th>Date of Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/6219</td>
<td>Department of Sustainability and Environment/Natural resources management/Victoria's High Country/VIC/Investigation of fuel and bushfire risk management using strategic cattle grazing</td>
<td>31 Jan 2012</td>
</tr>
<tr>
<td>2009/5095</td>
<td>GKI Resort Pty Ltd/Tourism and recreation/Great Keppel Island/QLD/Great Keppel Island Resort Revitalisation Plan</td>
<td>28 Oct 2009</td>
</tr>
<tr>
<td>2008/4627</td>
<td>South Burnett Regional Council/Transport - land/Kingaroy/QLD/Connection and Upgrade of Tessmans Road North</td>
<td>02 Jan 2009</td>
</tr>
<tr>
<td>2008/4535</td>
<td>Tasmanian Minister for Primary Industries and Water/Water management and use/Central Highlands/TAS/Release of Water from Lake Crescent into the Clyde River</td>
<td>18 Nov 2008</td>
</tr>
<tr>
<td>2008/4366</td>
<td>Waratah Coal/Mining/Mine in Galilee Basin; Port south of Port Clinton; pipeline to Lake Dalrymple/QLD/Galilee Coal Project including development of coal mine, 495km railway, port and 285km pipeline</td>
<td>05 Sep 2008</td>
</tr>
<tr>
<td>2008/4257</td>
<td>Wilmatt Holdings Pty Ltd/Residential development/Lot 66 on SP164474, Rockingham Close, Wongaling Beach (Mission Beach)/QLD/Subdivide 1 Lot into 40 lots</td>
<td>21 Jul 2008</td>
</tr>
<tr>
<td>2007/3916</td>
<td>Singleton Council/Natural resources management/George St, Singleton/NSW/Cull Grey Headed Flying Fox at Burdekin Park</td>
<td>17 Jan 2008</td>
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#### Decision on approval of action: Not approved

<table>
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<tr>
<th>EPBC Reference Number</th>
<th>Title of Referral</th>
<th>Date of Notice</th>
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</thead>
<tbody>
<tr>
<td>2006/3193</td>
<td>Walker Corporation/Residential development/Ralphs Bay/TAS/Lauderdale Quay Waterfront Housing and Marina Development</td>
<td>29 Oct 2010</td>
</tr>
<tr>
<td>2001/487</td>
<td>Phosphate Resources Ltd/Mining/Christmas Island/Christmas Island/East Christmas Island Phosphate Mines (9 sites)</td>
<td>16 Jul 2010</td>
</tr>
<tr>
<td>2009/5194</td>
<td>Jason Dixon/Residential development/Oak Valley, Townsville /QLD/Two Residential Premises on Lot 7, Chisholm Trail, Oak Valley</td>
<td>21 Apr 2010</td>
</tr>
<tr>
<td>2006/3150</td>
<td>Queensland Water Infrastructure Pty Ltd/Water management and use/Mary River/QLD/Traveston Crossing Dam</td>
<td>02 Dec 2009</td>
</tr>
<tr>
<td>2007/3448</td>
<td>Shoalhaven City Council/Residential development/Worrowing Heights (Heritage Estates)/NSW/Rezoning of land and associated public works to facilitate residential development</td>
<td>13 Mar 2009</td>
</tr>
<tr>
<td>2006/3179</td>
<td>Nobby's Lighthouse Pty Ltd/Tourism and recreation/Newcastle/NSW/Nobby's Lighthouse redevelopment</td>
<td>19 May 2008</td>
</tr>
</tbody>
</table>
Senator Ludlam  asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 20 November 2012:

(1) Can a status update be provided of the Strategic Environmental Assessment process for the Perth and Peel region in Western Australia.

(2) With reference to offsets for land clearing required in accordance with the conditions attached to the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) approvals, can a list be provided of all offsets requested since 2000 for the Perth and Peel region, using the following headings:

(a) name and details of project, EPBC reference and decision date;
(b) location of development;
(c) vegetation type and ecological community impacted, and their declared status under the EPBC Act;
(d) area cleared, in both hectares and as a percentage of the total remaining habitat and vegetation of equivalent or better quality;
(e) dates/times when the land was cleared and when the offset was secured, including a description of the offset detailing its size, vegetation type, ecological community, tenure and management status prior to becoming an offset;
(f) location of the offset, including its distance from the original site and, if applicable, the name of the site;
(g) current management, tenure and protection status of the offset; and
(h) description of steps taken by the department to ensure the establishment and/or adequate maintenance of the site, including dates on which reports have been received by the proponent on the status of the offset (if required), and dates and details of any audits undertaken by the department relating to the establishment and/or maintenance of the offset.

(3) For the same region, can a list of all approvals refused under the EPBC Act since 2000 be provided, indicating the proportion this represents against the total number of applications.
Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) In August 2011 the Commonwealth and Western Australian governments agreed to undertake a strategic assessment of the Perth and Peel regions of Western Australia. The terms of reference for the strategic assessment were finalised in May 2012, following public consultation. The strategic assessment will identify the impacts on matters of national environmental significance from the future development of the Perth and Peel regions to accommodate a population of 3.5 million people. As part of this process, the Western Australian Government is developing a plan to manage matters of national environmental significance and an accompanying Impact Assessment Report. It is expected that Western Australia will release these documents, as well as related planning documents and policies for public comment in mid 2013.

(2) Given the broad scope of the question placed on notice in terms of time period, the large number of projects involved and the detailed analysis of data required, I consider that the preparation of answers would involve a significant diversion of resources. In the circumstances I do not consider that the additional work can be justified.

Information regarding the department's offset policy can be found on the department's website. The department has recently developed an offsets mapping tool which will allow future offsets to be entered into a spatial database to improve data available for decision-making, monitoring and compliance.

(3) Since the commencement of the EPBC Act, no projects referred in Western Australia have been deemed either clearly unacceptable or not approved.

Publish What You Pay Initiative
(Question No. 2560)

Senator Ludlam asked the Minister for Resources and Energy, upon notice, on 20 November 2012:

With reference to the mandatory disclosure of payments for listed extractive companies and the Publish What You Pay initiative, with regard to the introduction of regulations in the United States of America (US):

(1) Is the Government aware of the efforts to stamp-out corruption across the world through new rules for the mandatory disclosure of payments made by extractive industry companies to governments.

(2) Has the department conducted any research or provided any advice on these laws; if so, can copies be provided.

(3) Has the Minister been briefed on these developments and what steps is the department taking to determine whether Australia should follow suit.

(4) Given that BHP Billiton, Rio Tinto and other ASX-listed companies will be covered by the new regulations as they are also listed in the US, has the department discussed with these companies the possibility of aligning Australia’s legislation with rules in other nations.

(5) Can the Minister provide an update on the pilot Extractive Industries Transparency Initiative (EITI) program being undertaken in Australia.

(6) What is the Minister’s view on the statement by the Chair of EITI, former United Kingdom Secretary of State for International Development, Ms Clare Short, that the “SEC and EU transparency requirements are complementary to, and not in conflict with, the EITI transparency requirements. Let us be clear, the extraction of oil, gas, and minerals is still failing to bring the benefits to ordinary citizens that it should, particularly in the poorer countries. Implementation of the EITI standard does not achieve enough in isolation. We need a range of different transparency, accountability and governance reforms”.

QUESTIONS ON NOTICE
(7) What is the Minister’s view on the decision by the US Government to undertake the EITI in addition to implementing legislation.

Answer

Senator Chris Evans: The Minister for Resources and Energy has provided the following answer to the honourable senator's question:

(1) The Government is aware of the efforts by some countries to implement new rules for the mandatory disclosure of payments, including efforts by the US and consideration by the European Parliament.

(2) No. While the Department is aware of these laws or proposals it's research has been limited to a review of internet articles. The Department's focus is on undertaking a domestic pilot of the Extractive Industries Transparency Initiative (EITI).

(3) The Department has provided information to the Minister that the US is implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act as part of its broader update on the EITI. Regarding what steps the Department is taking, refer to response to Question 2.

(4) The Department has not discussed with ASX-listed companies any alignment of Australia's legislation.

(5) Following the Government's announcement of the EITI pilot in the lead up to CHOGM 2011, a 21 member Multi-Stakeholder Group was formed in early 2012 to oversee the pilot process. Its members were drawn from state and federal governments, industry and civil society and the MSG is chaired and supported by the Department. Since its establishment, the MSG has: developed a communications plan; identified and agreed on material revenues and payments that will be reported in the pilot; agreed on the sample of companies and governments that will report; commenced the design of the reporting template; engaged an Administrator to collect and assess the financial data; and is engaging an Evaluator to assess the process and outcomes of the pilot. The MSG will report to Government at the completion of the pilot, outlining the findings of the pilot.

(6) The Government is aware of the statement by Ms Short in August 2012, and is applying various approaches to transparency in the extractive industries sector, including through Australia’s broader transparency framework.

(7) Initiatives such as Australia’s and the US’ approach to the EITI was discussed at a meeting with US Secretary of State, the Hon Hilary Clinton last month as part of their focus on open and transparent markets. Its decision to implement legislation in addition to the EITI is a matter for the US Government.

Tertiary Education, Skills, Science and Research
(Question No. 2561)

Senator Ludlam asked the Minister representing the Minister for Tertiary Education, Skills, Science and Research, upon notice, on 21 November 2012:

(1) Was the $2 million allocated to The University of Queensland (UQ) for the Centre for Advanced Imaging approved by the Australian Nuclear Science and Technology Organisation (ANSTO) Board.

(2) Was the funding allocated in four tranches of slightly less than $500 000.

(3) Is the CEO's spending limit without Board approval $500 000.

(4) Was there a lack of due process and honesty on this matter.

(5) Was Professor Paul Greenfield aware of, or involved in brokering, this arrangement.

(6) Does UQ have experience in operating a cyclotron or PET [Positron Emission Tomography] radiopharmaceutical development; if not, why did ANSTO make its own highly experienced
researchers redundant while allocating large sums of public money to an institution with no track record in the field.

(7) Does Axiom Pharmaceuticals have experience in PET radiopharmaceutical development; if not, why was Axiom Pharmaceuticals regarded as an appropriate entity to be given access to ANSTO and National Collaborative Research Infrastructure Strategy funds.

(8) Who owns Axiom Pharmaceuticals.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

(1) No.
(2) No. The funding is to be paid in four tranches of exactly $500,000.
(3) No.
(4) No.
(5) Professor Greenfield was not involved in brokering this arrangement. ANSTO cannot speak as to his awareness of the arrangement.
(6) The decision to fund the creation of the Centre for Advanced Imaging at the University of Queensland was made by government through a grant from the Education Investment Fund, not ANSTO. As noted in the answer provided to parliamentary question on notice no. 1876; ANSTO's decision to contribute a small part of the total cost of the project was based on the fact that ANSTO will receive access to more than $2 million worth of equipment, which is vital to a range of collaborative research projects.

(7) ANSTO was not involved in the decision by the University of Queensland to partner with Axiom Pharmaceuticals in relation to the operation of the Centre for Advanced Imaging. The question should therefore be directed to the University of Queensland.
(8) See response to question 7.

United Nations Conference on Sustainable Development in Brazil
(Question No. 2562)

Senator Birmingham asked the Minister representing the Prime Minister, upon notice, on 21 November 2012:

(1) Did the Prime Minister attend the Rio+20 United Nations Conference on Sustainable Development in Brazil in June 2012; if so, for how many days.
(2) Did any ministerial staff attend; if so: (a) how many staff; (b) for how many days did each attend; and (c) how many staff travelled: (i) first class, and (ii) business class.
(3) Did any departmental staff attend; if so: (a) how many staff; (b) for how many days did each attend; and (c) how many staff travelled: (i) first class, and (ii) business class.
(4) Can a full breakdown be provided of all costs associated with attendance at Rio+20 including, but not limited to, flights and accommodation.

Senator Chris Evans: The Prime Minister has provided the following answer to the honourable senator's questions:

(1) Yes, 3 days
(2) Yes
   (a) 9.
   (b) 8 staff from the Prime Minister's Office attended for 3 days and 1 staff member from the advance team in the Prime Minister's Office attended for 12 days.
(c) 8 staff members accompanied the Prime Minister on the RAAF aircraft and 1 staff member travelled business class on a commercial carrier.

(3) Yes
   (a) 3 staff from the Department of the Prime Minister and Cabinet attended.
   (b) 2 departmental staff members attended for 3 days and 1 departmental staff member from the Ceremonial and Hospitality Branch's advance team attended for 12 days.
   (c) 2 departmental staff members accompanied the Prime Minister on the RAAF aircraft and 1 departmental staff member travelled business class on a commercial carrier.

(4) Costs of official travel by the Prime Minister and ministerial staff are met by the Department of Finance and Deregulation. Costs incurred by the Department of the Prime Minister and Cabinet were:
   - Airfares for commercial flights - $10,427.21
   - Accommodation (including meals and office set up) - $26,723.52
   - Transport (including ground transport arrangements) - $3,674.68
   - Visas and travel doctor - $504.35

Climate Change and Energy Efficiency
(Question No. 2563)

Senator Birmingham asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 22 November 2012:

(1) Did the Minister and/or Parliamentary Secretary for Climate Change and Energy Efficiency attend the Rio+20 United Nations Conference on Sustainable Development in Brazil in June 2012; if so, for how many days.
(2) Did any ministerial staff attend; if so: (a) how many staff; (b) for how many days did each attend; and (c) how many staff travelled: (i) first class, and (ii) business class.
(3) Did any departmental staff attend; if so: (a) how many staff; (b) for how many days did each attend; and (c) how many staff travelled: (i) first class, and (ii) business class.
(4) Can a full breakdown be provided of all costs associated with attendance at Rio+20 including, but not limited to, flights and accommodation.

Senator Ludwig: The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

(1) No.
(2) No.
(3) Yes.
   (a) Three staff members.
   (b) Two staff members attended for 13 days. One staff member attend for 7 days.
   (c) Three staff members travelled.
      (i) None travelled first class.
      (ii) Three travelled business class.
(4) A full breakdown of costs associated with attendance at Rio+20 is outlined below.
   - Flights: $31,013.24
   - Accommodation: $12,583.55
   - Car hire: $4,560.65
Senator Birmingham asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, in writing, on 21 November 2012:

(1) Did the Minister and/or Parliamentary Secretary for Sustainability and Urban Water attend the Rio+20 United Nations Conference on Sustainable Development in Brazil in June 2012; if so, for how many days.

(2) Did any ministerial staff attend; if so: (a) how many staff; (b) for how many days did each attend; and (c) how many staff travelled: (i) first class, and (ii) business class.

(3) Did any departmental staff attend; if so: (a) how many staff; (b) for how many days did each attend; and (c) how many staff travelled: (i) first class, and (ii) business class.

(4) Can a full breakdown be provided of all costs associated with attendance at Rio+20 including, but not limited to, flights and accommodation.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable Senator's question:

(1) The Minister for Sustainability, Environment, Water, Population and Communities was expected to attend the United Nations Conference on Sustainable Development (Rio+20) in Rio de Janeiro in June 2012. However, on 18th June 2012, the Minister was informed that pairing arrangements in Parliament would not be extended for this trip, and was thus unable to attend.

The Parliamentary Secretary for Sustainability and Urban Water did not attend the United Nations Conference on Sustainable Development (Rio+20).

(2) No.

(3) Yes.

(a) Eleven officers attended.

(b) Including travel time, three officers attended for 15 days; one officer attended for 14 days; three officers attended for 13 days; three officers attended for 12 days; and one staff member attended for five days.

(c) Eleven officers attended.

(i) Nil.

(ii) Eleven officers were booked on business class flights, however due to flight availability; some officers were required to travel in economy class and premium economy class.

(4)

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Airfares</td>
<td>$126,994.12</td>
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<tr>
<td>Accommodation (including breakfast and office and set up)</td>
<td>$93,525.41</td>
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<tr>
<td>Translator</td>
<td>$1,769.72</td>
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<td>Transport</td>
<td>$10,362.13</td>
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<tr>
<td>Australian Side Event:</td>
<td>$4,767.62</td>
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</tbody>
</table>
Travel Allowance (including visas, travel doctor):
$27,676.94
Total Cost:
$265,095.94

The government also paid an additional $38,206.73 to assist the attendance of two Indigenous Representatives.

**Australian Wine and Brandy Corporation**

(Question No. 2566)

**Senator Rhiannon** asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 22 November 2012:

1. Which organisations were consulted when the department undertook work relating to the amendment of the Australian Wine and Brandy Corporation Act 1980 that resulted in the adoption of section 40DA(2).
2. What government agencies, Australian Wine and Brandy Corporation (AWBC) representative bodies and private companies were consulted in relation to amendments to the Act, and what process of consultation was used by AWBC.
3. Is the department committed to consulting all bodies that have legal standing to launch prosecutions for offences under the Act.
4. Were any Australian wine producers consulted during deliberations on making these changes to the Act; if not, why not.
5. How does the department meet the needs of: (a) grape producers; and (b) those involved in marketing wine.
6. Given that Articles 25 and 26 of the Agreement Between Australia And The European Community On Trade In Wine maintain the protection of geographical indicators, what steps have been taken to ensure that this achieved.
7. What proactive actions has the department taken to protect geographic indicators.
8. Did the department consider whether the amendment that resulted in the adoption of section 40DA(2) was consistent with the AWBC Act; if not, why not.
9. What action has AWBC taken to check the legality of 'The Orange Tree' label; if no action has been taken, on what basis was that decision made.
10. Is the onus on the producer to satisfy AWBC in regard to the legality of their name, or on the AWBC to make the assessment that a producer can use a geographical name.
11. Given that a press release issued by the AWBC Compliance Manager, Mr Steve Guy, on 31 August 2010 coincided with the announcement of changes to the Act, why was no mention made of the planned changes to the Act that resulted in section 40DA(2).
13. Have implications arising from the 'Feet First' case been discussed with the European Union; if so, did these discussions occur prior to the legislative change was finalised.

**Senator Ludwig**: The answer to the senator's question is as follows:

1 and 2) The Australia-European Community Agreement on Trade in Wine (the Wine Agreement) was implemented by the Australian Wine and Brandy Corporation Amendment Act 2010 (the Amendment Act). Section 40DA(2) was introduced in the Amendment Act. The government consulted with industry through the Winemakers' Federation of Australia (WFA) during the negotiation of the Agreement and drafting of the Amendment Act.
WFA supported the amendments, stating "The Australian Wine and Brandy Corporation Amendment Bill 2009 has the full support of WFA. The Wine Agreement will significantly improve market access to one of our key export markets and the Australian wine industry is keen to see the entry into force of the Agreement."

The Department of Agriculture, Fisheries and Forestry (DAFF) was the lead agency in the drafting of the Amendment Act. In preparing the amendments it consulted with the Department of Foreign Affairs and Trade, AP Australia, the Attorney-General's Department and the Australian Wine and Brandy Corporation (AWBC) (in 2010 the Australian Wine and Brandy Corporation was renamed the Wine Australia Corporation).

Wine Australia provided advice to the government during the Wine Agreement negotiations and the development of the Amendment Act. Wine Australia established market access advisory and legislation review committees, with industry membership, to advise on the Wine Agreement negotiations and the Amendment Act.

(3) Section 40K of the Wine Australia Act 1980 (previously the Australian Wine and Brandy Corporation Act) identifies categories of persons and organisations that may institute a prosecution, including Wine Australia, winemakers, grape growers, Australian and international organisations involved in wine promotion, wine manufacture and consumer protection. As section 40K does not identify individual organisations the department is unable to identify and consult with all bodies that have legal standing to launch prosecutions under the Act.

(4) As noted above, DAFF consulted with WFA. DAFF understands that WFA consulted with its members.

(5) The role of DAFF is to develop and implement policies and programs that ensure Australia's agricultural, fisheries, food and forestry industries remain competitive, profitable and sustainable. The needs of wine grape producers and wine marketers are considered in the development of these policies and programs.

On 8 May 2012, in the budget the government announced three initiatives to support the wine industry:

i. $0.425m to the Australian Bureau of Statistics (ABS) to continue quarterly and annual wine surveys in 2012-13 and 2013-14.

ii. $0.340m to the Australian Bureau of Agricultural and Resource Economics and Sciences to conduct a benchmarking survey of the wine grape growing industry in 2012-13.

iii. $2.1m to Wine Australia for new marketing activities in 2012-13 and in 2013-14.

(6) Part VIB of the Wine Australia Corporation Act provides protection of geographical indications. That part of the Act makes it an offence to describe and present a wine using a registered geographical indication if the wine did not originate in the country, region or locality in relation to which the geographical indication is registered.

The Consolidated European Community Declaration to the Wine Agreement provides that common English words can be used for the description and presentation of Australian wines. Section 40DA(2) and section 40FA(2) of the Wine Australia Corporation Act implement the common English word provision. They provide that the use, in good faith, of common English words, which also include a word or term that is a registered GI in relation to a country, region or locality in the description and presentation of wine is not false or misleading merely because it includes the word or term.

(7) The department does not take proactive action to protect geographical indications.

(8) The Amendment Act implemented the Wine Agreement. The amendments are in line with Australian government policy on the protection of geographical indications.
(9) Wine Australia has reviewed 'The Orange Tree' label and does not believe it breaches the Wine Australia Corporation Act 1980 relying on subsection 40DA(2) which provides as follows:

If:

(a) The description and presentation of wine includes a word or term that is a registered geographical indication, a registered translation of such an indication, or a registered traditional expression, in relation to a country, region or locality; and

(b) The word or term is a common English word or term; and

(c) The word or term is not used in such a way as to indicate that the wine originated in the country, region or locality in relation to which the geographical indication, translation or traditional expression is registered; and

(d) The description and presentation indicates the country, region or locality in which the wine originated; and

(e) The word or term is used in good faith

Then the description and presentation is not false merely because it includes the word or term.

Wine Australia advises that in its view, although 'Orange' is a registered geographical indication, it is also a common English word as it also describes a fruit and a colour. Wine Australia considers that the word orange is not being used in this instance to indicate that the wine originated in the registered geographical indication of 'Orange' and the label includes the registered geographical indication of South Eastern Australia which indicates its source. Wine Australia considers the word orange is being used in good faith as part of a registered trade mark and is not inferring any connection with the registered geographical indication of 'Orange'.

(10) Wine Australia no longer routinely reviews wine labels as part of the export review process. A person who believes that a wine label breaches the Wine Australia Act can bring it to the attention of Wine Australia who will review the label. Under section 40K of the Act a person may launch a prosecution if they believe the description and presentation of a wine label breaches the Act.

(11) Wine Australia advise that the 31 August 2010 press release is focussed on the Wine Agreement rather than the amendments to the Wine Australia Act and that it focuses on the key issues such as the market access gains for Australian wines and concessions to the European Union in the form of the protection provided to European geographical indications and traditional expressions.

In presentations to industry regarding the regulatory regime Wine Australia regularly mentions that common English words can be used to describe and present a wine even when the word is included in a geographical indication.

(12) 2044 wineries paid the wine grape levy for the 2010-11 year.

(13) The department understands that Feet First was not discussed by officials of the European Union. However, in negotiations over the wine agreement the EU accepted that GIs that also have a common English word do not conflict with trademarks.

Families, Housing, Community Services and Indigenous Affairs

(Question No. 2567)

Senator Scullion asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs and the Minister for Disability Reform, upon notice, on 22 November 2012:

(1) Can the Minister provide an explanation as to how the distribution of royalty equivalents operates under the Aboriginal Land Rights (Northern Territory) Act 1976, in particular:

(a) which bodies are responsible for the distribution of royalty payments;
(b) which bodies are responsible for investing royalty funds, given that some royalty payments are withheld and invested rather than distributed directly to traditional owners;

(c) what probity arrangements are in place to protect the invested funds; and

(d) how traditional owners are kept fully informed about the status of the royalties invested on their behalf.

(2) Given that there are parallels to superannuation, where a proportion of a person's income is invested on their behalf, are there any similar protections in place for traditional owners in terms of the investment of their royalties.

Senator Chris Evans: The Minister for Families, Community Services and Indigenous Affairs and the Minister for Disability Reform provides the following answer to the honourable senator's question:

(1) (a) Under the Aboriginal Land Rights (Northern Territory) Act 1976 (Land Rights Act),

the Commonwealth credits to the Aboriginals Benefit Account amounts equal to royalties received by the Northern Territory or Commonwealth Governments in respect of mining on Aboriginal land together with certain amounts in relation to mining carried out on Aboriginal land by or on behalf of the Commonwealth, the Northern Territory or an Authority (section 63 of the Land Rights Act). Thirty per cent of this amount is paid to the relevant Land Council (section 64 of the Land Rights Act) and must in turn be paid, within six months of its receipt by the Land Council, to any Aboriginal and Torres Strait Islander corporations whose members live in, or are the traditional owners of, the area affected by those mining operations, in such proportions as the Land Council determines (section 35 of the Land Rights Act).

(b) The Land Rights Act requires that the relevant Land Council must hold the amounts in trust and invest them until they are distributed to relevant Aboriginal and Torres Strait Islander corporations (section 35 of the Land Rights Act). In certain circumstances, the Land Council must continue to hold the amounts in trust beyond the six month period after which they were received by the Land Council (section 35 of the Land Rights Act).

(c) A Land Council is required to invest amounts held in trust in investments of the kind authorised by section 39 of the Financial Management and Accountability Act 1997 (section 35 of the Land Rights Act).

(d) Where a Land Council holds a royalty amount in trust at the end of a financial year the Land Council must include details in its annual report of the amount paid to the Land Council and the financial year in which the amount was paid, the amount held in trust and the mining operation to which the amount relates (section 37 of the Land Rights Act).

(2) See 1(c) above.

Ranger Uranium Mine
(Question No. 2568)

Senator Ludlam asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 23 November 2012:

With reference to the 27 September 2012 NT News article indicating that cracks are appearing in the top of the northern wall of Pit 3 at the Ranger uranium mine:

(1) Has the Office of the Supervising Scientist (OSS) examined the pit wall cracks; if so, what is the OSS assessment of the potential threats posed by these cracks, particularly given the impact of recent wet seasons on mine operations.

(2) What are the implications for the overall integrity of the wall of the pit.
(3) Is the instability limited only to the road surface; if not, how far down into the pit wall does the instability go.

(4) What remediation plans, including timeframes, are in place to address the cracks appearing in the pit wall.

(5) What challenges does this situation pose for rehabilitation plans at Ranger.

**Senator Conroy:** The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

1. Officers from the Supervising Scientist Division (SSD), including the Supervising Scientist, have visited Ranger to examine the pit wall cracks. SSD supports ERA’s view that a major wall failure is highly unlikely and in view of the actions currently being undertaken by ERA, any impact on mine operations is equally unlikely.

2. Wall movement within the pit continues to be monitored by radar capable of detecting sub-millimeter movement. With the cessation of mining in Pit #3 wall movement has reduced and a major wall failure is highly unlikely.

3. The cracks visible on the surface are the result of the wall settling slightly due to removal of rock at the base of the pit in a fault structure. Movement of this nature is not unusual in open pit mining.

4. Mining in Pit #3 was completed on 24 November 2012 and backfilling operations have now commenced. A levee is also being constructed outside of the mine access road to prevent water from Magela Creek covering the area of the cracks during the wet season and possibly piping through the cracks into the pit. The levee, which is expected to be finalised by mid December 2012, will also prevent Magela Creek water from entering the pit in the highly unlikely event that a major wall failure did occur.

5. Decommissioning the levee is a minor operation that will need to be added to the rehabilitation plan. Increased permeability in the weathered zone as a result of cracking will need to be considered in the Pit #3 closure design.

**Stewardship Scheme**

(Question No. 2569)

*Senator Whish-Wilson* asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 23 November 2012:

1. What is the status of the product stewardship scheme for end-of-life tyres.

2. In the absence of an established product stewardship scheme, what actions are being taken to ensure appropriate disposal of end-of-life tyres.

3. Given that under the Basel Convention tyres are not deemed hazardous waste, has the Government considered declaring tyres hazardous waste to prevent their export overseas.

4. Has the Government investigated allegations that Australian used-tyres are being used as cheap fuel for cooking stoves and heating in Vietnam and China; if so, what has been concluded.

**Senator Conroy:** The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

1. The Tyre Implementation Working Group has finalised Guidelines describing the operations of a voluntary product stewardship scheme to be established by industry. The Working Group includes representation from the Australian Government, Queensland Government and the tyre industry. It is expected that the Guidelines will be published on the website of the COAG Standing Council on Environment and Water during December 2012.
In September 2012 the tyre industry applied to the ACCC for authorisation of the proposed scheme. The next step for the tyre industry is the establishment of a company called Tyre Stewardship Australia to implement and administer the voluntary product stewardship scheme. The scheme is expected to commence operations in the first half of 2013.

(2) State and territory governments have primary responsibility for waste management including the appropriate disposal of end-of-life tyres.

The Australian Government has supported the tyre industry to develop a voluntary industry-led tyre product stewardship scheme.

(3) Currently under the Hazardous Waste (Regulation of Exports and Imports) Act 1989 the Minister cannot declare waste tyres as hazardous waste for the purposes of export unless the destination country notifies the Basel Convention that its domestic legislation classifies waste tyres as hazardous waste.

(4) The Department of Sustainability, Environment, Water, Population and Communities wrote to China and Vietnam on 13 January 2012 seeking advice on whether their domestic legislation restricting waste tyre imports triggers Basel Convention procedures. Neither country has indicated that their domestic legislation relating to waste tyre imports triggers Article 3 Basel Convention procedures.

**Defence Materiel**

(Question No. 2570)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Tactical Information Exchange Domain JP 2089, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


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**QUESTIONS ON NOTICE**
Defence Materiel (Question No. 2571)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Active Missile Decoy SEA 1229 Phase 1, 2 and 3, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel (Question No. 2572)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Anzac Ships SEA 1348 Phase 2, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.
Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2573)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Anzac Ship Project-Underwater and Surface War Fighting Upgrade Program-SEA 1348 Phase 3, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2574)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Guided Missile Frigate Upgrade Implementation SEA 1390 Phase 2.1, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel

(Question No. 2575)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Standard Missile Replacement SEA 1390 Phase 4, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Defence Materiel
(Question No. 2576)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Nulka SEA 1397, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2577)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Forward Looking Infra Red and Electronic Support Measures for S-70B-2 Helicopters SEA 1405, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


**Defence Materiel**  
(Question No. 2578)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Evolved SEASPARROW SEA 1428, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


**Defence Materiel**  
(Question No. 2579)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Replacement Heavyweight Torpedo SEA 1429, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2580)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project COLLINS Class Replacement Combat System SEA 1439 Phase 4A, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Defence Materiel
(Question No. 2581)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Maritime Communications Modernisation SEA 1442, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2582)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Armidale Class Patrol Boat Project SEA 1444, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.
Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2583)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project ANZAC Anti-Ship Missile Defence SEA 1448, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2584)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Replacement of Afloat Support Capability SEA 1654, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


**Defence Materiel**

(Question No. 2585)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Air Warfare Destroyer SEA 4000, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Defence Materiel
(Question No. 2586)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Airborne Early Warning and Control Aircraft AIR 5077, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2587)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project New Air Defence Command and Control Systems for Control Units 2 and 3 AIR 5333, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.
Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2588)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Bridging Air Combat Capability AIR 5349 Phase 2, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2589)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Bridging Air Combat Capability AIR 5349 Phase 1, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2590)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project F/A-18 Hornet Upgrade AIR 5376, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

**Defence Materiel**  
*(Question No. 2591)*  

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Air to Air Refuelling Capability AIR 5402, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


**Defence Materiel**  
*(Question No. 2592)*  

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Project Echidna Electronic Warfare Self Protection for ADF Aircraft AIR 5416, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.
Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2593)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Follow-on Stand off Weapon AIR 5418, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2594)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Joint Strike Fighter Aircraft AIR 6000, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


**Defence Materiel**

(Question No. 2595)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Air 7000: Phases 1B and 2B AIR 7000, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Defence Materiel
(Question No. 2596)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:
With reference to the major project C-17 Globemaster III AIR 8000, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Defence Materiel
(Question No. 2597)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:
With reference to the major project Armed Reconnaissance Helicopter AIR 87, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.
Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Defence Materiel
(Question No. 2598)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Multi Role Helicopter AIR 9000 Phase 2, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Defence Materiel
(Question No. 2599)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project MH-60R Seahawk Romeo AIR 9000 Phase 8, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the
honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability
Plans and project approval/management documents, and as such, is considered an unjustified diversion
of resources.

Publicly available documents such as the Public Defence Capability Plan
(http://www.defence.gov.au/annualreports/) provide some detail on the information being sought.

Defence Materiel
(Question No. 2600)

Senator Johnston asked the Minister representing the Minister for Defence Materiel,
upon notice, on 26 November 2012:

With reference to the major project Airborne Surveillance for Land Operations JP 129, can the
following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the
honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability
Plans and project approval/management documents, and as such, is considered an unjustified diversion
of resources.

Publicly available documents such as the Public Defence Capability Plan
(http://www.defence.gov.au/annualreports/) provide some detail on the information being sought.
Defence Materiel
(Question No. 2601)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Establishment of Special Operations Command JP 199, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2602)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Next Generation Satellite Communications System JP 2008 Phase 4, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.
Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2603)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Ultra High Frequency Satellite Communications JP 2008 Phase 5A, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2604)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project ADF SATCOM Capability Terrestrial Upgrade JP 2008 Phase 3F, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


**Defence Materiel**  
(Question No. 2605)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:
With reference to the major project Jindalee Operational Radar Network JP 2025, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.