INTERNET
The Journals for the Senate are available at

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

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

SITTING DAYS—2013

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>5, 6, 7, 25, 26, 27, 28</td>
</tr>
<tr>
<td>March</td>
<td>12, 13, 14, 18, 19, 20, 21</td>
</tr>
<tr>
<td>May</td>
<td>14, 15, 16</td>
</tr>
<tr>
<td>June</td>
<td>17, 18, 19, 20, 24, 25, 26, 27</td>
</tr>
<tr>
<td>August</td>
<td>20, 21, 22, 26, 27, 28, 29</td>
</tr>
<tr>
<td>September</td>
<td>9, 10, 11, 12, 16, 17, 18, 19</td>
</tr>
<tr>
<td>October</td>
<td>1, 2, 3, 28, 29, 30, 31</td>
</tr>
<tr>
<td>November</td>
<td>18, 19, 20, 21, 25, 26, 27, 28</td>
</tr>
</tbody>
</table>

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

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

For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-THIRD PARLIAMENT
FIRST SESSION—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
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Back, Christopher John</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bilyk, Catryna Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Birmingham, Simon John</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bishop, Thomas Mark</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Boyce, Suzanne Kay</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Brandis, Hon. George Henry, SC</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Bushby, David Christopher</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cameron, Douglas Niven</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Carr, Hon. Kim John</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Carr, Hon. Robert John (3)</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Cash, Michaela Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Collins, Jacinta Mary Ann</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Conroy, Hon. Stephen Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Cormann, Mathias Hubert Paul</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret (1)</td>
<td>NT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Di Natale, Richard</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Edwards, Sean</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Hon. Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Farrell, Donald Edward</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Fawcett, David Julian</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Feeney, David Ian</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Fierravanti-Wells, Concetta Anna</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Mitchell Peter</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Furner, Mark Lionel</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Gallacher, Alexander McEachian</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Hanson-Young, Sarah Coral</td>
<td>SA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, Hon. John Joseph</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph (1)</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Johnston, Hon. David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Joyce, Barnaby Thomas Gerad</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>Kroger, Helen</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Ludlam, Scott</td>
<td>WA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Lundy, Kate Alexandra (1)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Madigan, John Joseph</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>DLP</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>McKenzie, Bridget</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>McLucas, Hon. Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Mason, Hon. Brett John</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Milne, Christine Anne</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Nash, Fiona Joy</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------</td>
<td>--------------</td>
<td>--------</td>
</tr>
<tr>
<td>Parry, Stephen Shane</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Polley, Helen Beatrice</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Pratt, Louise Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Rhiannon, Lee</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ruston, Anne Sowerby (7)</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ryan, Scott Michael</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Hon. Nigel Gregory (1)</td>
<td>NT</td>
<td></td>
<td>CLP</td>
</tr>
<tr>
<td>Siewert, Rachel Mary</td>
<td>WA</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Singh, Hon. Lisa Maria</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Sinodinos, Arthur (2)</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Smith, Dean Anthony (4)</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Stephens, Hon. Ursula Mary</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Thistlethwaite, Matthew</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Thorp, Lin Estelle (6)</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Urquhart, Anne Elizabeth</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Waters, Larissa Joy</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Whish-Wilson, Peter Stuart (5)</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Williams, John Reginald</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Wright, Penelope Lesley</td>
<td>SA</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Wong, Hon. Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Xenophon, Nicholas</td>
<td>SA</td>
<td>30.6.2014</td>
<td>IND</td>
</tr>
</tbody>
</table>

(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice H. Coonan, resigned 22.8.11), pursuant to section 15 of the Constitution.
(3) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice Hon. M. Arbib, resigned 5.3.12), pursuant to section 15 of the Constitution.
(4) Chosen by the Parliament of Western Australia to fill a casual vacancy (vice J. Adams, died in office 31.3.12), pursuant to section 15 of the Constitution.
(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. B. Brown, resigned 15.6.12), pursuant to section 15 of the Constitution.
(6) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. N. Sherry, resigned 1.6.12), pursuant to section 15 of the Constitution.
(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
Parliamentary Budget Officer—P Bowen
<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Julia Gillard MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Asian Century Policy</td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td><strong>Minister for Social Inclusion</strong></td>
<td>The Hon Stephen Conroy MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Wayne Swan MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon Wayne Swan MP</td>
</tr>
<tr>
<td><strong>Minister for Financial Services and Superannuation</strong></td>
<td>The Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Assistant Treasurer</td>
<td>The Hon David Bradbury MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Berni Ripoll MP</td>
</tr>
<tr>
<td><strong>Minister for Broadband, Communications and the Digital Economy</strong></td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td><strong>Minister for Defence</strong></td>
<td>The Hon Stephen Smith MP</td>
</tr>
<tr>
<td>(Deputy Leader of the House)</td>
<td>The Hon Stephen Smith MP</td>
</tr>
<tr>
<td>Minister for Defence Science and Personnel</td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Minister for Defence Materiel</td>
<td>The Hon Dr Mike Kelly AM MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence</td>
<td>Senator the Hon David Feeney</td>
</tr>
<tr>
<td><strong>Minister for Regional Australia, Regional Development and Local Government</strong></td>
<td>The Hon Simon Crean MP</td>
</tr>
<tr>
<td>Minister for the Arts</td>
<td>The Hon Simon Crean MP</td>
</tr>
<tr>
<td>Minister for Sport</td>
<td>Senator the Hon Kate Lundy</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Transport</strong></td>
<td>The Hon Anthony Albanese MP</td>
</tr>
<tr>
<td>(Leader of the House)</td>
<td>The Hon Anthony Albanese MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Infrastructure and Transport</td>
<td>The Hon Catherine King MP</td>
</tr>
<tr>
<td><strong>Minister for Families, Community Services and Indigenous Affairs</strong></td>
<td>The Hon Jenny Macklin MP</td>
</tr>
<tr>
<td>Minister for Disability Reform</td>
<td>The Hon Jenny Macklin MP</td>
</tr>
<tr>
<td><strong>Minister for Housing and Homelessness</strong></td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister for Community Services</td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td>Minister for the Status of Women</td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Disabilities and Carers</td>
<td>Senator the Hon Jan McCullas</td>
</tr>
<tr>
<td>Parliamentary Secretary for Homelessness and Social Housing</td>
<td>The Hon Melissa Parke MP</td>
</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>Senator the Hon Bob Carr</td>
</tr>
<tr>
<td><strong>Minister for Trade and Competitiveness</strong></td>
<td>The Hon Dr Craig Marston MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>The Hon Dr Craig Marston MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Foreign Affairs</td>
<td>The Hon Dr Craig Marston MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Trade</td>
<td>The Hon Kelvin Thompson MP</td>
</tr>
<tr>
<td><strong>Minister for Sustainability, Environment, Water, Population and Communities</strong></td>
<td>The Hon Tony Burke MP</td>
</tr>
<tr>
<td>(Vice-President of the Executive Council)</td>
<td>Senator the Hon Don Farrell</td>
</tr>
<tr>
<td>Parliamentary Secretary for Sustainability and Urban Water</td>
<td>Senator the Hon Don Farrell</td>
</tr>
<tr>
<td>Title</td>
<td>Minister</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Minister for Tertiary Education, Skills, Science and Research</strong></td>
<td>The Hon Chris Bowen MP</td>
</tr>
<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Chris Bowen MP</td>
</tr>
<tr>
<td><strong>Minister for Industry and Innovation</strong></td>
<td>The Hon Greg Combet AM MP</td>
</tr>
<tr>
<td><strong>Minister Assisting for Industry and Innovation</strong></td>
<td>Senator the Hon Kate Lundy</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Higher Education and Skills</strong></td>
<td>The Hon Sharon Bird MP</td>
</tr>
<tr>
<td><strong>Minister for Finance and Deregulation</strong></td>
<td>Senator the Hon Penny Wong</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td><strong>Minister Assisting for Deregulation</strong></td>
<td>The Hon David Bradbury MP</td>
</tr>
<tr>
<td><strong>Minister for School Education, Early Childhood and Youth</strong></td>
<td>The Hon Peter Garrett AM MP</td>
</tr>
<tr>
<td><strong>Minister for Employment and Workplace Relations</strong></td>
<td>The Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Minister for Early Childhood and Childcare</td>
<td>The Hon Kate Ellis MP</td>
</tr>
<tr>
<td>Minister for Employment Participation</td>
<td>The Hon Kate Ellis MP</td>
</tr>
<tr>
<td>Minister for Indigenous Employment and Economic Development</td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for School Education and Workplace Relations</strong></td>
<td>Senator the Hon Jacinta Collins</td>
</tr>
<tr>
<td>(Manager of Government Business in the Senate)</td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Agriculture, Fisheries and Forestry</strong></td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Agriculture, Fisheries and Forestry</strong></td>
<td>The Hon Sid Sidebottom MP</td>
</tr>
<tr>
<td><strong>Minister for Resources and Energy</strong></td>
<td>The Hon Martin Ferguson AM MP</td>
</tr>
<tr>
<td><strong>Minister for Tourism</strong></td>
<td>The Hon Martin Ferguson AM MP</td>
</tr>
<tr>
<td><strong>Minister for Climate Change and Energy Efficiency</strong></td>
<td>The Hon Greg Combet AM MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Climate Change and Energy Efficiency</strong></td>
<td>The Hon Yvette D’Ath MP</td>
</tr>
<tr>
<td><strong>Minister for Health</strong></td>
<td>The Hon Tanya Plibersek MP</td>
</tr>
<tr>
<td><strong>Minister for Mental Health and Ageing</strong></td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister for Indigenous Health</td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Health and Ageing</strong></td>
<td>The Hon Catherine King MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Mental Health</strong></td>
<td>The Hon Melissa Parke MP</td>
</tr>
<tr>
<td><strong>Minister for Immigration and Citizenship</strong></td>
<td>The Hon Brendan O’Connor MP</td>
</tr>
<tr>
<td>Minister for Multicultural Affairs</td>
<td>Senator the Hon Kate Lundy</td>
</tr>
<tr>
<td><strong>Attorney-General</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td><strong>Minister for Emergency Management</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td><strong>Minister Assisting on Queensland Floods Recovery</strong></td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Minister for Home Affairs</td>
<td>The Hon Jason Clare MP</td>
</tr>
<tr>
<td>Minister for Justice</td>
<td>The Hon Jason Clare MP</td>
</tr>
<tr>
<td><strong>Minister for Human Services</strong></td>
<td>Senator the Hon Kim Carr</td>
</tr>
</tbody>
</table>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Leader of the Opposition</strong></td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Arthur Sinodinos</td>
</tr>
<tr>
<td><strong>Shadow Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Trade</strong></td>
<td></td>
</tr>
<tr>
<td>(Deputy Leader of the Opposition)</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for International Development Assistance</td>
<td>The Hon Teresa Gambaro MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Foreign Affairs</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Minister for Trade</strong></td>
<td></td>
</tr>
<tr>
<td>(Deputy Leader of the Opposition)</td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Minister for Infrastructure and Transport</strong> (Leader of The Nationals)</td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Employment and Workplace Relations</strong> (Leader of the Opposition in the Senate)</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Shadow Minister for Employment Participation</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td><strong>Shadow Attorney-General</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Minister for the Arts</strong></td>
<td>Senator the Hon George Brandis SC</td>
</tr>
<tr>
<td>(Deputy Leader of the Opposition in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Shadow Attorney-General</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td><strong>Shadow Treasurer</strong></td>
<td>The Hon Joe Hockey MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Tax Reform (Deputy Chairman, Coalition Policy Development Committee)</td>
<td>The Hon Tony Smith MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Education, Apprenticeships and Training</strong> (Manager of Opposition Business in the House)</td>
<td>The Hon Christopher Pyne MP</td>
</tr>
<tr>
<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td>Shadow Minister for Universities and Research</td>
<td>Senator the Hon Brett Mason</td>
</tr>
<tr>
<td>Shadow Minister for Youth and Sport (Deputy Manager of Opposition Business in the House)</td>
<td>Mr Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Education</td>
<td>Senator Fiona Nash</td>
</tr>
<tr>
<td><strong>Shadow Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>(Deputy Leader of the Nationals)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Indigenous Development and Employment</td>
<td>Senator Mareise Payne</td>
</tr>
<tr>
<td><strong>Shadow Minister for Regional Development, Local Government and Water</strong></td>
<td>Senator Barnaby Joyce</td>
</tr>
<tr>
<td>(Leader of the Nationals in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Regional Development</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>Senator the Hon Ian Macdonald</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Local Government</td>
<td>Mr Don Randall MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Murray-Darling Basin</td>
<td>Senator Simon Birmingham</td>
</tr>
<tr>
<td><strong>Shadow Minister for Finance, Deregulation and Debt Reduction</strong> (Chairman, Coalition Policy Development Committee)</td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td>Shadow Special Minister of State</td>
<td>The Hon Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for COAG (Chairman, Scrutiny of Government Waste Committee)</td>
<td>Senator Mareise Payne</td>
</tr>
<tr>
<td><strong>Shadow Minister for Energy and Resources</strong></td>
<td>The Hon Ian Macfarlane MP</td>
</tr>
<tr>
<td>Shadow Minister for Tourism</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td>Title</td>
<td>Shadow Minister</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Shadow Minister for Defence</td>
<td>Senator the Hon David Johnston</td>
</tr>
<tr>
<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
</tr>
<tr>
<td>Shadow Minister for Veterans' Affairs and Shadow Minister</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td>Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence Materiel</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Defence Force and Defence</td>
<td>Senator the Hon Ian Macdonald</td>
</tr>
<tr>
<td>Support</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Communications and Broadband</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Shadow Minister for Regional Communications</td>
<td>Mr Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Shadow Minister for Health and Ageing</td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td>Shadow Minister for Ageing</td>
<td>Senator Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Shadow Minister for Mental Health</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Primary Healthcare</td>
<td>Dr Andrew Southcott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Health Services and</td>
<td>Dr Andrew Laming MP</td>
</tr>
<tr>
<td>Indigenous Health</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Families, Housing and Human Services</td>
<td>The Hon Kevin Andrews MP</td>
</tr>
<tr>
<td>Shadow Minister for Seniors</td>
<td>The Hon Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector</td>
<td>Senator Mitch Fifield</td>
</tr>
<tr>
<td>(Manager of Opposition Business in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Housing</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Supporting Families</td>
<td>Mr Jamie Briggs</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Status of Women</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Environment</td>
<td>Senator Simon Birmingham</td>
</tr>
<tr>
<td>Shadow Minister for Productivity and Population</td>
<td>Mr Scott Morrison MP</td>
</tr>
<tr>
<td>Shadow Minister for Immigration and Citizenship</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Citizenship and Settlement</td>
<td>The Hon Teresa Gambaro MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Immigration</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Minister for Innovation, Industry and Science</td>
<td>Mrs Sophie Mirabella MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Innovation, Industry, and Science</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Shadow Minister for Agriculture and Food Security</td>
<td>The Hon John Cobb MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Fisheries and Forestry</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Shadow Minister for Small Business, Competition Policy and Consumer</td>
<td>The Hon Bruce Billson MP</td>
</tr>
<tr>
<td>Affairs</td>
<td>Senator Scott Ryan</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Small Business and Fair Competition</td>
<td></td>
</tr>
</tbody>
</table>
CONTENTS

TUESDAY, 19 MARCH 2013

Chamber
BUSINESS—
   Consideration of Legislation ................................................................. 1987
   Rearrangement ............................................................................................... 1987

BILLS—
   Royal Commissions Amendment Bill 2013—
      Second Reading .......................................................................................... 1987
      In Committee .............................................................................................. 1988
      Third Reading .............................................................................................. 1992
   National Disability Insurance Scheme Bill 2013—
      Second Reading .......................................................................................... 1992

QUESTIONS WITHOUT NOTICE—
   Prime Minister ............................................................................................... 2009

DISTINGUISHED VISITORS ........................................................................ 2011

QUESTIONS WITHOUT NOTICE—
   Migration ........................................................................................................ 2011
   Media ............................................................................................................... 2013
   Child Care ....................................................................................................... 2014
   Media Reforms ............................................................................................... 2016
   Freedom of Speech ........................................................................................ 2018
   National Broadband Network ........................................................................ 2019
   Iraq .................................................................................................................. 2021

   Western Sydney: Regional Development Australia Fund ................................ 2023

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS—
   National Broadband Network ....................................................................... 2025
   Media ............................................................................................................... 2025

COMMITTEES—
   Corporations and Financial Services Committee—
      Meeting ....................................................................................................... 2030

BUSINESS—
   Leave of Absence ......................................................................................... 2030

NOTICES—
   Postponement ............................................................................................... 2031

NOTICES—
   Presentation ................................................................................................... 2031

COMMITTEES—
   Law Enforcement Committee—
      Meeting ................................................................................................... 2034

Public Works Committee—
      Meeting ................................................................................................... 2034

MOTIONS—
   Pope Francis ................................................................................................. 2034

COMMITTEES—
   Rural and Regional Affairs and Transport References Committee—
      Reference ................................................................................................... 2035
BILLS—
  Health Insurance Amendment (Medicare Funding for Certain Types of Abortion)
  Bill 2013—
    First Reading................................................................. 2036
    Second Reading............................................................ 2036
MOTIONS—
  Iraq................................................................................. 2037
  Public Interest Disclosure.................................................. 2038
  Quinkan Rock Art Galleries................................................ 2039
  Whales: James Price Point ................................................ 2040
MATTERS OF PUBLIC IMPORTANCE—
  Northern Australia............................................................ 2041
MINISTERIAL STATEMENTS—
  UN Commission on the Status of Women: 57th Session .............. 2055
COMMITTEES—
  Community Affairs Legislation Committee—
  Education, Employment and Workplace Relations Legislation Committee—
    Additional Information...................................................... 2059
  Legal and Constitutional Affairs Legislation Committee—
    Corrigenda to Report....................................................... 2059
  Public Works Committee—
    Report............................................................................ 2060
  Corporations and Financial Services Committee—
    Report............................................................................ 2060
  Australian Commission for Law Enforcement Integrity Committee—
    Report............................................................................ 2060
  Migration Committee—
    Report............................................................................ 2061
DOCUMENTS—
  Tabling............................................................................... 2064
BILLS—
  Tax Laws Amendment (2012 Measures No. 6) Bill 2012—
    First Reading................................................................. 2064
    Second Reading.............................................................. 2064
COMMITTEES—
  Cyber-Safety Committee—
    Membership..................................................................... 2067
CONTENTS—continued

COMMITTEES—
Legislation Committees—
  Report.......................................................... 2067
Community Affairs Legislation Committee—
  Report.......................................................... 2067

BILLS—
  National Disability Insurance Scheme Bill 2013—
    Second Reading........................................ 2067

DOCUMENTS—
  Consideration............................................... 2083

ADJOURNMENT—
  Murray-Darling Basin.................................... 2083
  Medal of the Order of Australia.......................... 2084
  Abortion...................................................... 2086
  Goulburn Sesquicentenary................................. 2087
  National Close the Gap Day................................ 2088
  National Broadband Network................................ 2089
  Goods and Services Tax................................... 2092
  Creative Industries Plan for Tasmania................... 2094
  Commonwealth Grants Commission: Report on State Revenue Sharing Relativities... 2097
  National Cultural Policy.................................. 2099
  Therapeutic Goods Administration........................ 2101

DISTINGUISHED VISITORS.................................. 2104

ADJOURNMENT—
  Education.................................................. 2104
  Mining: Kangaroo Island................................ 2106
  Serbia......................................................... 2109
  Diabetes Research: Jump for a Cure...................... 2111
  Australian Broadcasting Corporation.................... 2113
  Media Reform................................................ 2117

DOCUMENTS—
  Tabling.......................................................... 2118
  Tabling.......................................................... 2119
Tuesday, 19 March 2013

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12:30, read prayers and made an acknowledgement of country.

BUSINESS

Consideration of Legislation


Leave granted.

Senator JACINTA COLLINS: I seek leave to amend the notice by omitting Tax Laws Amendment (2012 Measures No.6) Bill 2012 and move the motion as amended:

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

Australian Capital Territory (Self-Government) Amendment Bill 2013
Export Finance and Insurance Corporation Amendment (Finance) Bill 2013
Export Market Development Grants Amendment Bill 2013
Higher Education Support Amendment (Further Streamlining and Other Measures) Bill 2013
Royal Commissions Amendment Bill 2013.

Question agreed to.

Rearrangement

Senator JACINTA COLLINS: I move:

That intervening business be postponed till after consideration of the government business order of the day relating to the Royal Commissions Amendment Bill 2013.

Question agreed to.

BILLS

Royal Commissions Amendment Bill 2013
Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (12:32): The opposition supports the Royal Commissions Amendment Bill 2010, which proposes two substantive amendments to the Royal Commissions Act 1902. The first amendment provides that, where a royal commission is constituted by more than one commissioner, its chair may authorise one or more members to hold a hearing. The present act requires evidence to be taken before all the commissioners or a quorum of them.

The second amendment proposes measures particular to the Royal Commission into Institutional Responses to Child Sexual Abuse which will permit persons directly or indirectly affected by child sexual abuse to provide information in a private session. Participation in a private session, which is not a commission hearing, would be voluntary. Such material will not be received on oath or affirmation and is not considered to be the giving of evidence to the commission. Any use of this material in a commission report must not identify individuals unless it is subsequently given in evidence to a commission hearing. However, documents and other material disclosed at a private session may be communicated to relevant officeholders, in particular the commissioner of a police force.

Mr Deputy President, the coalition supported the establishment of a royal commission into institutional child abuse;
indeed, as I recall, Mr Abbott called for the establishment of such a royal commission even before it was announced, so this is an entirely bipartisan matter. The amendments relating to multimember royal commissions—and, as you know, there are several royal commissioners to whom commissions have been issued—will allow for the efficient distribution of work among commissioners in appropriate circumstances in what is, I am sorry to say, expected to be a very, very voluminous evidence-gathering task, given the evidently widespread prevalence of institutional abuse of children.

Might I also say that there is nothing particularly unusual in allowing evidence before a royal commission to be taken by one member of the royal commission when there is more than one person appointed to the commission. I remember from my own experience in Queensland in the 1980s the famous Fitzgerald inquiry operated on the basis that Mr Fitzgerald QC took most of the evidence but he appointed a deputy commissioner, Patsy Wolfe—now Her Honour Judge Wolfe, chairman of the Queensland District Court—as an associate commissioner and much of the evidence at the Fitzgerald inquiry was given not before Mr Fitzgerald but before Ms Wolfe. So there is nothing unusual in this. It is an appropriate measure. It is not limited or specific to the royal commission into institutional child sexual abuse, but it will apply in general hereafter to all Commonwealth royal commissions.

The measures peculiar to the current royal commission permit the taking of evidence from vulnerable or traumatised witnesses in a setting similar to that applicable for protected witnesses in criminal trials of sexual offenders. Because the evidence is not given on oath or affirmation and bearing in mind that the commission's purpose is to inquire, not to prosecute or to determine guilt or innocence, it is appropriate that restrictions are placed on the use of such information.

The coalition has seen the government's amendments, which are circulated in the chamber, which relate to the documentary and archival treatment of material produced or arising from a private session, including relevant amendments to the Freedom of Information Act. These amendments seek to ensure as far as possible that private sessions are treated with appropriate sensitivity. Mr Deputy President, I am sure you will remember from your days as a police officer—and I remember from my days as a barrister once having to adduce evidence from a child complainant in a sexual abuse case—what a very difficult and sensitive task that is.

The coalition, as I have said, supports the establishment of the royal commission and the measures contained in the bill which will facilitate its efficient operation. It therefore has the coalition's wholehearted support.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:38): I table a supplementary explanatory memorandum relating to the government amendments to be moved to this bill. I seek leave to move government amendments (1) to (4), (6) and (7) on sheet BN267 together.

Leave granted.

Senator FARRELL: I move government amendments (1) to (4), (6) and (7) on sheet BN267 together:

(1) Schedule 1, page 3 (before line 3), before item 1 (before the heading relating to the Royal Commissions Act 1902), insert:
Freedom of Information Act 1982

1A After subsection 7(2D)

Insert:

(2E) A Minister and an agency are exempt from the operation of this Act in relation to the following documents:

(a) a document that has originated with, or has been received from, the Child Sexual Abuse Royal Commission (within the meaning of Part 4 of the Royal Commissions Act 1902) and:

(i) that contains information obtained at a private session (within the meaning of that Part); or

(ii) that relates to a private session and identifies a natural person who appeared at a private session;

(b) a document that contains a summary of, or an extract or information from, a private session.

(2) Schedule 1, item 30, page 7 (after line 24), after the heading to Part 4, insert:

Division 1—Definitions

(3) Schedule 1, item 30, page 8 (after line 3), after section 6OA, insert:

Division 2—Private sessions

(4) Schedule 1, item 30, page 8 (line 15), omit "section 6OD", substitute "Division 3".

(6) Schedule 1, item 30, page 11 (after line 10), at the end of Part 4, add:

Division 3—Privacy of private sessions

6OG Privacy of private sessions

A private session must be held in private, and only persons who are authorised by a member of the Child Sexual Abuse Royal Commission holding the private session may be present during the private session.

6OH Offence for unauthorised use or disclosure of information given at a private session

A person commits an offence if:

(a) the person obtains information:

(i) at a private session; or

(ii) that was given at a private session; and

(b) the person makes a record of, uses or discloses the information; and

(c) none of the following applies:

(i) the record, use or disclosure is for the purposes of performing functions or duties or exercising powers in relation to the Child Sexual Abuse Royal Commission;

(ii) the person is authorised to make the record of, or use, disclose or publish, the information in accordance with section 6OJ (inclusion of information in reports and recommendations), 6P (Commission may communicate information) or 9 (custody and use of records of Commission);

(iii) the person gave the information at the private session;

(iv) the person makes the record of, uses or discloses the information with the consent of the person who gave the information at the private session.

Penalty: 20 penalty units or imprisonment for 12 months or both.

Note: For a defence to this offence, see section 6OK.

6OJ Inclusion of information in reports and recommendations

Information that relates to a natural person that has been obtained at a private session may be included in a report or recommendation of the Child Sexual Abuse Royal Commission only if:

(a) the information is also given as evidence to the Commission or under a summons, requirement or notice under section 2; or

(b) the information is de-identified.

6OK Defence for disclosure to person who provided the information

Section 6OH does not apply to a disclosure of information to the person who gave the information at a private session.

Note: A defendant bears an evidential burden in relation to the matter in this section (see subsection 13.3(3) of the Criminal Code).

6OL No other exceptions under other laws

(1) A provision of a law of the Commonwealth, a State or a Territory has no effect to the extent that it would otherwise require...
or authorise a person to make a record of, use or disclose information obtained at a private session if the record, use or disclosure:

(a) would contravene a provision of this Division; or

(b) would not be permitted by a provision of this Division.

(2) Subsection (1) has effect whether the provision concerned is made before or after the commencement of this section.

60M Relationship with the Archives Act 1983

(1) For the purposes of the Archives Act 1983, a record:

(a) that contains information obtained at a private session; or

(b) that relates to a private session and identifies a natural person who appeared at a private session;

is in the open access period on and after 1 January in the year that is 99 years after the calendar year that the record came into existence.

(2) To avoid doubt, subsection (1) applies in relation to a record even if the record came into existence after the private session.

(3) Subsection 3(7) and section 56 of the Archives Act 1983 do not apply to a record referred to in subsection (1).

(7) Schedule 1, page 11 (after line 14), after item 31, insert:

31A After subsection 6P(2B)

    Insert:

(2C) A person who obtains information, evidence, a document or a thing in accordance with this section may (subject to sections 6DD and 6OE) make a record of, use or disclose the information, evidence, document or thing for the purposes of performing his or her functions or exercising his or her powers.

The government also opposes schedule 1 in the following terms:

(5) Schedule 1, item 30, page 9 (line 27) to page 10 (line 23), section 6OD.

The CHAIRMAN: The question is that amendments (1) to (4), (6) and (7) on sheet BN267 be agreed to.

Question agreed to.

The CHAIRMAN: The question is that schedule 1 stand as printed.

Question negatived.

The CHAIRMAN: Senator Xenophon, I know that you were on the second reading list, but we have now concluded that part of the debate. Do you wish to make any comment in the committee stage?

Senator XENOPHON (South Australia) (12:39): I will make a short comment, thank you, Mr Chairman. I am sorry I could not be here for the second reading stage of the bill, but I do support this bill. I think that announcing this royal commission will be a lasting legacy of this government. I congratulate the government for getting on with this. It is very important for those who have suffered to ensure that there is a process for the healing to begin, and I think that what the government has established here is welcome. I think that what the government has established here is welcome. I think that having multiple hearings is something that is very welcome. Those multiple hearings are in the sense that we have a number of commissioners and that there can be hearings held in a number of states, because if only one commissioner were hearing the evidence then we would be in a situation where this could go on and on for a number of years. I think the multiple commissioners will clearly expedite the work of this royal commission.

What I want to ask the minister in relation to this particular exemption is whether he could walk us through it briefly in terms of the privacy of practice sessions and the amendments that affect the Freedom of Information Act. How will this help facilitate the work of the royal commission, and what weight of evidence will there be for those private sessions? In other words, if evidence
is given in a private session, what constraints will there be on the royal commission in referring to that publicly? If that information indicates an allegation of a criminal offence, will that information be forwarded as a matter of course to the authorities? I just want to understand in a constructive sense how it would work. If Senator Farrell, who as parliamentary secretary has the conduct of this, can give a brief explanation then that would be useful, I think, in the context of how the royal commission would work, because so far I have been encouraged by what the government has proposed in terms of the structures and the like but I think it is important to know, if it can be put into context, how the privacy of the private sessions will operate, what weight will be given to those and also how the Freedom of Information Act amendment will operate in the scheme of this particular amendment.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:42): I thank Senator Xenophon for his question. My understanding is that the private sessions will allow the royal commission to hear personal accounts directly from people affected by the child sexual abuse in a less formal setting than a hearing. One of the outcomes of the public consultation on the terms of reference for the commission was the importance of putting in place processes sensitive to the needs of victims so that they could tell their stories to the commission. Hearing these personal accounts will be important to the commission so that it can develop its recommendations for institutional reforms, which I know you have a significant interest in. As is ordinarily the case in the conduct of a royal commission, issues relating to procedural fairness for the third parties named in evidence or information received will be a matter for the royal commission to determine, and I am advised that the royal commission intends to publish draft procedures and will be inviting comments on those draft procedures.

Some features of the private sessions are that they will serve to preserve not only the privacy of persons giving information at a private session but also the reputations of people referred to in information given at the private session. In particular, the sessions will not be open to the public. Information relating to a natural person could only be used in the report of the royal commission if the information is de-identified or if the information is also given in evidence to the commission or in response to a summons, and it will be an offence to use or disclose information obtained at a private session except in certain permitted circumstances.

Senator XENOPHON (South Australia) (12:44): I thank Senator Farrell for his answer on behalf of the government. Can I just confirm this—and I apologise if it is apparent in the explanatory memorandum and I have not seen this: if a person goes before a private session of the royal commission and they say, 'It is my wish to go public in respect of these allegations,' does the discretion lie with the commissioner about it being a private session? Further, in relation to the matter I raised earlier, if there appears on the face of it to be allegations of a criminal nature, will they be referred to the relevant authorities—to the police, for instance—for appropriate investigation?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:45): The short answer to that question, Senator Xenophon, is that they can be. I might make some reference here to some information I have. Under the existing section 6P of the Royal Commissions Act, the commission is able to communicate information it receives that relates or may relate to a contravention of the
law to a range of specified authorities and persons, including the police. The commission is able to communicate this information where it considers it is appropriate to do so and for this purpose it is not a requirement that consent be obtained from the person who gave the information.

The bill enables the commission to communicate information it receives at a private session to authorities like the police under existing section 6P of the act where the commission considers that it is appropriate to do so. The Commonwealth letters patent directs the commissioners to consider the need to establish mechanisms to facilitate the timely communication of information in accordance with section 6P of the act, including, for example, for the purposes of enabling the timely investigation and prosecution of offences.

Senator XENOPHON (South Australia) (12:46): I have one final question in relation to this. Senator Farrell would well now, as a fellow South Australian, of the work of the Mullighan commission of inquiry into institutional abuse—into child abuse; something established by the former Rann government when now Premier Weatherill was the relevant minister. I think almost all South Australians would agree that was a very worthy and good exercise by the late Ted Mullighan QC. My question is this: insofar as there have been other inquiries at a state level—and I note there is currently an inquiry or there has been a commission of inquiry through the New South Wales government in relation to allegations of abuse in a particular region of New South Wales—or even if it is at federal level, to what extent can the findings or the evidence or statements taken form a part of this inquiry, or will this particular commission start from the beginning and make its own inquiries? In other words, what capacity is there to take statements or findings from the Mullighan commission of inquiry, for instance, or other state commissions of inquiry in other states, in relation to this inquiry?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:48): Thank you for the question. As I say, I know you have taken a great deal of interest in this area of concern. Ultimately it is a matter for the royal commission; but, in terms of the federal government's approach to this matter, the government would encourage it to consider other inquiries. Obviously ultimately it is a decision for the royal commission to make a determination about, but the government would encourage consideration of other inquiries.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:49): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

National Disability Insurance Scheme Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

(Quorum formed)

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (12:52): I would like to contribute to this debate on the National Disability Insurance Scheme Bill 2013. There are many reasons for people in Australia having disabilities. I was very grateful last night to get a text message announcing the arrival of my
second grandchild, young Ryan Daniel Williams, born in Cairns last night.

Senator Farrell: Congratulations.

Senator WILLIAMS: Thank you very much, Senator Farrell.

Senator Jacinta Collins: How many grandchildren have you got?

Senator WILLIAMS: That is the second grandchild, a little brother to Finn. When the babies are due and coming along, parents, grandparents and all of us wish, hope and pray that the bub is born safe and healthy. Thank goodness for the great medical professionals we have in our country; these days there seems to be little problem with childbirth. It is not like in the old days. I could back to Yongala Cemetery, where my great-great-grandfather first settled in South Australia, and, sadly, when you walk through the cemetery you see the graves of infants and mothers. Things have come a long, long way—all for the good.

We have disabilities in Australia for many reasons. Some, sadly, are born with disabilities. The disabilities may be physical, they may be mental or they may be both. Sadly, we have many accidents in our country, such as motor accidents, where people can suffer serious physical or mental disabilities or both. We also have many work accidents. Spending most of my life on the farm, I know what a dangerous work environment the farm is. I have had my share of accidents, and I carry the battle scars as the result of motorbike accidents and ladders falling on my head in piggeries et cetera. For many reasons, there are Australians who carry disabilities.

I was quite amazed just recently to read about those who are working with disabilities: how they are such good workers; how they do not take the amount of sick leave that many of those in Australia who do not have any disability take; how their work ethic is so good; how they are so committed to their job; and how they are so proud to do their work for themselves, for their business and for their country.

We now have before us the National Disability Insurance Scheme. The coalition supports a national disability scheme, Mr Deputy President—a scheme that can help those with disabilities get work, get training, seek knowledge, have accommodation and have the opportunities in life that so many of us have, no doubt, taken for granted. As I said, the dedication and the commitment to work of those with disabilities is just amazing, and they deserve all the praise and support they can get.

The Senate Community Affairs Legislation Committee had an inquiry into this very important piece of legislation, and the coalition has enthusiastically supported each milestone on the road to the National Disability Insurance Scheme. The coalition supports the work of the Productivity Commission, who have certainly had a good look into this very important issue. The coalition supported the $1 billion in the last budget handed down by Treasurer Swan in May last year. The coalition has supported the five launch sites, the coalition supported the agreement between the Commonwealth and New South Wales for a full state-wide rollout after the Hunter launch, and the coalition supports this legislation.

I want to talk about the Leader of the Opposition, Mr Tony Abbott, and what he has done in support of those with disabilities. Mr Abbott, I am proud to say, is a very generous man with his time. We know he is a surf-lifesaver and we know he is a very fit man. If I happened to be in trouble in the surf and I could see Mr Tony Abbott swimming my way, I would know that I had someone who could certainly get me back—the man is so fit and so strong. He has supported the
bushfire brigade as a fire-fighter and he has demonstrated his personal commitment to Australians with disabilities and those who care for them by dedicating $540,000, raised by the 2012 Polly Pebble Charity Bike Ride, to Carers Australia. Along the 1,000 kilometre route Mr Abbott met with people with disabilities, carers and disability organisations. The next two Polly Pebbles will also be in partnership with, and will raise funds for, Carers Australia. That is a very generous fundraising scheme.

We are certainly no stranger to seeing Mr Abbott on his bike. As I said, he is a very fit man and he is a very generous man. I remember when he completed the Port Macquarie triathlon a couple of years ago. For anyone to complete that triathlon is a huge achievement in itself. It is a gruelling event that had Mr Abbott out early in the morning and coming in late that night, such was his determination. I have no doubt that that is the same determination and generosity that he will show if the people of Australia elect a coalition government and he becomes Prime Minister of this nation on 14 September this year. His history speaks for itself when it comes to helping those in need.

Because the NDIS is a once in a generation reform that will unfold over the life of several parliaments, it should be the property of the parliament as a whole, on behalf of the Australian people, rather than that of any particular political party. Getting this right will require a very high level of consultation and attention to detail, not just now—not just in the launch sites—but from now until full implementation. The National Disability Insurance Scheme should be beyond partisan politics. The coalition has been disappointed when some members of the government have claimed that, basically, the NDIS represents Labor values. It does not—not alone. The NDIS represents Australia's values—a fair go and helping those who face challenges for reasons beyond their control. No side of politics has a mortgage on this particular issue. We know that people have disadvantages for all sorts of reasons, as I stated at the commencement of this presentation. Whether it be by birth, through mental or physical disabilities, through accidents or whatever, we have people who face these challenges, and this is not a partisan political issue.

The coalition has called for the establishment of a joint parliamentary committee to be chaired by both sides of politics to oversee the establishment and implementation of the NDIS. A parliamentary oversight committee would lock in all parties and provide a nonpartisan environment where issues of design and eligibility could be worked through cooperatively. Mr George Christensen, the member for Dawson and a fine man, has had a motion in the House for some time to establish this committee. Regrettably, the motion has not been brought forward for a vote. Senators Fifield and Boyce moved a similar motion to establish the oversight committee on 27 June 2012. The government and the Australian Greens combined in the Senate to vote it down.

Why would you do that? When we want to make this bipartisan and leave the politics out of it, why would the Greens and the Australian Labor Party combine to vote down such a motion? Only time will tell. Getting this right must be a matter across all the political parties. As I said, it is not just something that we instigate today that is completed in a few months time. This will be ongoing for years and years until the whole program is completed. It will cost an enormous amount of money, but I believe it will be an investment in Australia's future that will pay good dividends. If those who have disabilities can get to work, can get a job, can receive the education and training...
required whatever their disadvantage may be, then they will actually contribute to the national wealth cake. Instead of being a person who needs to be supported by the taxpayers to keep a roof over their head and to provide the care they need and desire, many of them will be out there working, paying taxes and contributing to our GDP, putting their bit in for our nation, and that is a very, very good thing.

When the government has been offered the opportunity to embrace genuine bipartisanship, why don't they take it? This legislation gives the government another opportunity to correct this and to involve all those right across the political parties. That is the only way this can work well because, as I said, this will take many, many years to implement and complete. The coalition intends to give the government, the Australian Greens and the Independent members and senators an opportunity to accept the hand of cooperation in this piece of legislation.

It is a joint-venture of all Australian governments. It is important to note that every government in Australia and every opposition in Australia, state and federal, supports and wants to see an NDIS. It was disappointing that the Prime Minister did not treat all jurisdictions as partners at the COAG meeting in July 2012. It was to the credit of the Victorian and New South Wales governments that they continued to negotiate in the face of misrepresentation by the federal government and reached agreement to host launch sites. This is a case of working together. I fear that the Prime Minister is trying to politicise this whole program. This is not about politics. This is about helping your fellow Australians, and politics needs to be put aside in this legislation. Forget the political game; let us do what is right for those people in Australia who most desperately need assistance, need training and need a fair go and the opportunity. That is what it is about for the coalition: to work right through this legislation to get it right in the long term.

I am not going to speak for the full 20 minutes. I just want to say a few words about the community effort. This legislation to give effect to a National Disability Insurance Scheme is in the parliament due to a grassroots campaign by carers. Australians with disability and the organisations that support them came together and decided that enough was enough. They spoke with one voice. They declared, 'We're as mad as hell and we are not going to take it anymore!' I congratulate those carers who do such a fine job, who work in difficult circumstances to help those around them who so desperately need the help. The two main intellectual drivers of the NDIS have been Mr John Walsh AM, a partner at PricewaterhouseCoopers, and Mr Bruce Bonyhady AM, Chair of Yooralla and President of Philanthropy Australia. Without their determination, professional expertise and personal knowledge this legislation would not be before the parliament.

In conclusion, this legislation is not perfect. The NDIS is a very complex venture. Amendments after the introduction of the legislation to the parliament were inevitable. The Senate committee process has again proven its worth through this inquiry. The government has undertaken to carefully consider the work of the committee. However, in the time available, the committee was never going to be able to address all design issues. The onus remains on the government. The prime function of the committee in the compressed time frame was to seek to ventilate as many issues as possible.

As I said, this should be about support right around the chamber. This is about our
fellow Australians who have had a setback in their life for one reason or another. We should support them and give them an opportunity in this nation. Australia is a land of opportunity. I was only talking to someone this morning whose father came out here from Croatia in 1948. What did they have as far as wealth goes? They had nothing. But they went to work. This particular person's father went cutting cane—hard work and toil. These immigrants saw that we were a nation of opportunity and they grasped that opportunity. They settled in to be fair dinkum Australians. They worked hard, married, reared their children, educated their children and gave them opportunities. We need to deal with this legislation right across this chamber to see that those Australians who have had some setback in their life for whatever reason get every opportunity possible. I am amazed by the work ethic and commitment of those with disabilities.

I have a personal friend, Caroline Cash, and she openly admits that she has a disability. I was so pleased to be a dinner with her last week at the Nationals' metropolitan branch in Sydney, where Caroline is so pleased that she is now getting extra work. She has had to battle, she has to work, she has had to keep a roof over her head, she has had to rent and she has to pay her way. She is such a good worker and a very decent young lady—a very decent Australian—who is proud to get out there and have a go. She is originally from a rural area—a tough area that has suffered a lot of droughts and hardships. I see this in Caroline Cash and the work she does. I am very proud to know Caroline and enjoy her company when we get to National Party functions.

That is what Australia is about: giving opportunity to those who need that hand up. When we give them that hand up, they then do not require the handout. Getting an education, getting some training and getting some sort of assistance to help them through their disability and get out to make their own life, I think, is most important. Their self-esteem and self-satisfaction are lifted and they know that they can go and put their head on a pillow at night knowing that they have done their bit for themselves, their community and their country. That is what this legislation is about.

Sadly, there has been some politics played where Ms Gillard, the Prime Minister, has claimed this as a wholly Australian Labor Party scheme. That is not the case. You know where the coalition come from on this. You know that we have pushed for many years, and I have given an example of Mr Tony Abbott with his personal fundraising to help carers. More than half a million dollars was raised by his Pollie Pedal. That is one huge achievement. It is not about words; it is about the deeds and actions that Mr Abbott has put into practice. We know he has care for the community as a volunteer firefighter, as a volunteer rescuer or now with his efforts in his Pollie Pedals to raise money for carers.

I look forward to the NDIS developing over many years. I think it will be money well and wisely invested to help those carers and those with disabilities to help build a better Australia, to help those people build their self-confidence and build their pride so they can go out and say: 'Well yes, I have a disability. Yes, it gave me a bit of a setback in life, but I overcame that. I learnt, I was trained, I was educated and I can work as well as anyone.'

As I said, the commitment these people have to their work is amazing. If you are employed with a disability, you have fewer sick days than if you do not have a disability. That is amazing in itself. We know there are plenty of Australians who put on a sickie, especially on a long weekend. There is no
doubt it has probably been a part of our country for many years and will continue to be the case. But those with disabilities, who know that they are starting a bit behind the eight ball, make it up the race so well by working hard, being committed and putting their bit in for our wonderful nation.

As this goes along through the many years ahead of us, I hope and I know that this will be a successful scheme. I know that here on the coalition benches this has full support. We have to find the money—that is a problem. Where is the money? It is a hugely expensive scheme. When I look back at the Australian Labor Party in government since 2007, so much money was wasted. Expensive school buildings, covered outdoor learning areas, insulation batts—

Senator Polley: Come down to Tassie and talk to the schools.

Senator WILLIAMS: I will take your interjection, Senator Polley. I have never been to the opening of one of those school buildings. I refuse to go to one. I was not going to say that these were not expensive. I could take you out to Tottenham in the central west of New South Wales—literally in the centre of New South Wales—and show you the $600,000 school kiosk. I could take you to a little town called Kingstown, between Bundarra and Bendemeer, and show you the $330,000 building that is basically eight metres by 10 metres—$330,000 would build you a lovely four bedroom brick veneer home. It is a pity that this government has wasted so much money—not only taxpayers' money but borrowed money—on so many schemes. Imagine if they could have poured more of this money into the NDIS, into an investment of those people in Australia with a disadvantage of some sort, which would make their life so much better. Sadly, they did not, but the people will judge that come 14 September. I know how angry and annoyed they are, especially in rural areas, about the waste of money and the building of the $269 billion debt. If only we could have spent that money wisely. A lot of that money could have gone into the NDIS, and this scheme would have been up and running and be far more efficient than a lot of the money that has been wasted.

Senator PRATT (Western Australia) (13:12): In making a contribution to the National Disability Insurance Scheme Bill 2013, I start with a quote from French philosopher Simone Weil. She is a little-known philosopher, but I think what she says in this regard is particularly important. She says:

Equality is the public recognition, effectively expressed in institutions and manners, of the principle that an equal degree of attention is due to the human needs of all human beings.

Indeed, I think that is what the NDIS is set to implement. It is about creating an institution that practically implements our nation's commitment to meeting the needs of all its citizens.

Samantha Jenkinson, an awarded disability advocate from WA, says something very similar. She says:

… people with disability want, and expect, the resources they need to participate as fully functioning members of their communities to be available and accessible, as and when they are needed. People with disability want to work with governments to deliver a support system that achieves this—a support system that values their contribution and encourages their independence.

I think that really embodies what the NDIS is all about. To my mind, the NDIS should include the most basic and complex of human needs for people to be to have their needs met. We have known for too long that too many people with disability and their families have lived without being able to get their basic needs met. This can include housing, it can include shelter and it can
include adequate food and health care. But it also includes a family life, it includes a social life and it includes a working life. It includes friendship, social interaction and intimate personal relationships. These are things that we all legitimately aspire to.

Implementing the NDIS should mean that we can give support so people with disability can have full and free expression and get their needs met. We know that the Productivity Commission described disability services in Australia as inequitable, underfunded, fragmented and inefficient, giving people with disability little choice and utterly compromising their lives. This includes people in Western Australia.

In making a contribution to this debate, I would like to talk about some WA perspectives. I have heard firsthand that people with disabilities and their families and carers in WA want to be part of this national scheme. I note that Mr Barnett, the Premier of WA, has signed on at COAG to work towards a national scheme. He says he is keen for a launch site in WA. But WA has not yet put forward a proposal that meets the requirements of the National Disability Insurance Scheme. I would really like to encourage the state of WA to keep taking steps forward to participate.

There are important parts of this debate that affect WA, because we have a quite well-operating Disability Services Commission. It is an agency that is there to meet the needs of Western Australian people with disabilities. It has some 70,000 Western Australians that rely on assistance for personal care, mobility and communication. It is recognised internationally because of its flexibility and because it allows for self-directed support. These are the kinds of things that are being adopted and embodied in the National Disability Insurance Scheme. Western Australia does need some improvement in that regard because the NDIS in fact envisages greater levels of autonomy than Western Australia's already lauded system allows for. Naturally there have been some groups in WA that have been protective. They want to make sure that when we do the NDIS, what the NDIS replaces in WA is equal if not better. I have every confidence that it will be, and I am here to encourage WA to get onboard.

From a WA perspective, it is equally important to look at who is missing out. I had a conversation with a couple of women, including Samantha Jenkinson and a friend of hers, about this. You look at the circumstances of people with disability and their needs. Their needs might be quite similar, but under the fragmented scheme we have at the moment the capacity to get their needs met is not similar. I will give you examples. Someone who has a car accident ends up with a compensation payout that they need to manage, and that then enables them to access the care and support they need. A second situation might be someone born with cerebral palsy, who would have an entitlement under the Western Australian Disabilities Services Commission for some care and support.

The third situation is someone with multiple sclerosis who, like the other two, cannot walk, and is unable to meet all of their personal care needs. They are ineligible for any kind of support, and they are the kind of people that very tragically end up in nursing homes in this country. This is a very real issue for a great many Western Australians who are currently excluded from getting the care and support they that need within disability services in Western Australia. This new scheme—should Western Australia come onboard—will help support those people. It is absolutely vital that however you acquire your disability, the
quality of opportunity to access services and support is there for everybody.

I am really pleased that the NDIS puts at its heart self-directed services, allowing for opportunity for individuals, families and community to have a real say about how services are designed and delivered. At the heart of that should be people with disability. We need to break away from the traditional model of disability services by allowing flexibility for those who receive disability services—allowing people with disability to control the care they receive and the services they access.

Samantha Jenkinson gave a great example. She expressed her frustration and the frustration of other people with disability at their capacity to get the support and care they need when they want it. She gave a wonderful example of a service run by people with disability to be able to get after-hours care access to personal care and support to go out. It is a 6 pm to 6 am service run by people with disability, where you can call up at short notice and get access to a personal carer to take you out. You might want to go out for dinner, you might want to go to a concert, you might want to go nightclubbing or you might want to visit family or friends, but you are able to define when and where you want to go out rather than needing to be at home by six o'clock when your carer has tucked you into bed. I know how I would prefer to live my life, with that flexibility and autonomy. This is what is embedded in this bill.

People with disabilities, their families and carers in WA want us to make good progress on this. They want WA to be part of this vital national scheme. There is some frustration amongst many that we are not yet making more progress in that regard, but I am pleased that the NDIS will take the great attributes of the WA system and apply them to citizens all over Australia.

I have to share a little bit of a personal story with you, and that is my experience of the Western Australian families that have experienced extreme stress because they cannot access services that meet their needs or at a high enough level of care.

There is a terrific program in WA that I would highly commend to senators, which is the Politician Adoption Scheme run by the Development Disability Council of WA. I have the great privilege of having been adopted into the Deery family, and I am sure that some of my Western Australian colleagues will have been adopted into families also. Aden in the Deery family is a young man with severe autism. I witnessed the trauma of his family when they were at absolute crisis point over many, many years because they were not coping with Aden living at home, and yet they could not find supported accommodation for him—he was not yet allocated a place. In order to get into disability services supported accommodation in WA, you pretty much first have to prove that you are at absolute breaking point, and at breaking point they were. Very fortunately, I was able to witness what a difference it made for Aden to be able to find supported accommodation and care. But it should be better than that. We should strive for people not to reach breaking point before their needs are met. I pay tribute to the Deery family in speaking to the NDIS bill this afternoon.

In closing, we need to stop the cruel lottery system that we have for disability services that I think the Deery family is a good example of. We need to look at the benefits of a long-term plan for people who we know will need ongoing care and support. There is no reason to lurch from crisis to crisis when we know that we will
need a bucket of resources for each person with a disability and that we need to manage those resources over time.

Finally, this bill represents the kinds of values I want to be able to uphold as a citizen, as a senator and as an Australian. It brings with it the capacity to change lives; to change lives not just for people with disability but for their families—all of our families—for workplaces, for the community, for our relationships and friendships and, importantly, for our humanity, because we know that our needs and desires as human beings are all equally important.

Senator SMITH (Western Australia) (13:24): It is also my privilege and honour to make a contribution to the National Disability Insurance Scheme Bill 2013. The introduction of a National Disability Insurance Scheme is the culmination of years of dedication and struggle by people with disabilities, their families, carers and friends. This outcome is not one that belongs to a particular side of politics, or even to this parliament.

This legislation is a tribute to those often unsung heroes in our community who look after disabled family members or friends and the incredible sacrifices that so many of them have made and continue to make so that those with disabilities can still enjoy lives of some comfort and dignity, and can still make a contribution to our society. However, the passage of this legislation is a beginning, not an end. The introduction of an NDIS will extend beyond the life of this parliament, and beyond the life of the next. It will involve all the state and territory governments across Australia.

What we do now in this parliament will allow the real work to begin, but we cannot allow these reforms to become bogged down in partisan sniping. As the Leader of the Opposition said in relation to this legislation during the debate in the other place:

... for this scheme to successfully come to fruition for the mighty benefit of people with disabilities throughout our country, it cannot simply reflect Labor values; it cannot simply reflect Liberal values. It must reflect national values. It must reflect the values that are held deep by members on both sides of this chamber, values that are common to members of all parliaments right around our country.

I think there is genuine goodwill from all parties on this issue, and all of us are keen to get on with the implementation, and start delivering real outcomes for people with disabilities and those who care for them.

My own side of politics has proposed a bipartisan committee to oversee the implementation of the NDIS. Given the length of time it will take—the remainder of this parliament and the two that follow us—it would be prudent to ensure involvement from all parties, so that there are not interruptions or delays in the event of a change of government.

There is much work still to be done on the NDIS. Despite the fact that we are on the cusp of passing the legislation, there is still much we do not know. We do not know who is and who is not eligible for coverage, we do not know precisely how the scheme will operate and arrangements of funding for the scheme have not yet been finalised. I am not saying this to pick holes in the scheme, but rather by way of making the point that the NDIS will take many years to bed down. It is a long-term reform, and given that, I would have thought it was eminently sensible to have both sides of politics working together on its implementation.

For whatever reason, the Prime Minister has not seen fit to take up this bipartisan approach. That is her prerogative, of course, and I am pleased that the leader of my own party has given a commitment to establish
such a bipartisan group should the coalition win the next election. I think that will give some further certainty to the process and ensure that all of us in this place are focused on what is important, which is the delivery of real outcomes for people with disabilities.

As a member of the Senate Community Affairs Legislation Committee, I participated in the committee inquiry into the NDIS legislation. I would like to acknowledge the hard work of the committee secretariat on this inquiry, which attracted over 1,600 submissions, and my appreciation to the chair, Senator Moore, and to the other members of the committee, including Senator Siewert, who is in the chamber at the moment, for the work and diligence that they demonstrated. I attended many of the hearings around Australia on the NDIS, and have been privileged to hear so many inspirational stories from those of our fellow Australians who each and every day make tremendous sacrifices to care for those in our community who cannot care for themselves.

I would just like to touch on a couple of the issues that came out of those considerations, because I think they are matters worthy of bearing in mind and drawing particular attention to as we move into the implementation phase of this initiative.

Earlier this month, the community affairs committee heard evidence from the Community Living Association, which is based in Albany in WA. The association was formed in 1991, at a time when those with a disability living in the Albany region were often forced to relocate to Perth to access support services. The association worked to enable those with disabilities to remain living in the community where they had grown up and felt most comfortable. The Community Living Association now provides services to around 75 people in Western Australia's great southern region who have varying levels of disability. The services provided help people to remain living in their own homes, develop their skills and access the amenities offered by their local community. That is very important for people living with a disability.

From the submissions the community affairs committee received it is clear that for a significant number of people living with a disability a sense of social isolation is perhaps the most difficult thing to deal with, along with a sense that in many ways they are not in charge of their own destinies. In addition to the challenges of having a disability, they are at the mercy of other people's decisions. Along with many other people, I hope the NDIS can go some way to addressing this. People are at their happiest and most productive when they feel they are in control of their own life, and that is really no different for those with a disability. The dignity that comes with still being able to live in one's home and to undertake some form of education or employment is very important for mental wellbeing. Organisations such as the Community Living Association play a crucial role in making this happen, ensuring that those with a disability are still the decision makers rather than simply having services foisted upon them that may not meet their individual needs. That is why I am particularly keen to take note of some of the concerns the association expressed.

Mr Iain Campbell, the Community Living Association's CEO, did express some concern to the committee that the introduction of the NDIS, if not properly managed, may have some negative impacts on the services his organisation provides. By way of example he advised the committee that the average cost of packages for people who have services provided by the Community Living Association is $95,000.
A conference in Western Australia on the NDIS was addressed by Senator McLucas, who advised that the average package under the NDIS would be $15,000. Quite naturally, they worry about the gap. It may be that these concerns can be easily addressed. I certainly hope that that is the case because this is a sector that desperately needs some certainty.

Mr Campbell also expressed the concern that has been repeated by many service providers across Western Australia. By and large, service providers are happy with the relationship they have with the state's Disability Services Commission. They have built up relationships with that body and, being locally based, the commission understands some of the additional challenges posed when providing disability support services in regional and remote areas across Western Australia. The concern that many Western Australian providers have expressed—and this was reflected in Mr Campbell's own comments—is that a body with whom they have built trusting and understanding relationships could be usurped by a more remote one that will not be as understanding of some of the challenges particular to Western Australia and the vast geography it covers. These concerns were echoed by Mr Gordon Trewern, the CEO of the Nulsen Association, who attended the committee's hearing in Perth and focused on the evolution of disability support services in Western Australia over the last 30 years.

Something that perhaps escapes the attention of many commentators outside Western Australia is that the way the state's services have developed over the last three decades has been quite different to the experience in some other jurisdictions. The risk in moving to the NDIS is that some of the success and innovations from Western Australia may be lost in that transition. I think that would be an unfortunate development. From early on—certainly earlier than in some other jurisdictions—the state government worked with service providers to close down the large institutions and place more of a focus on supporting people to live in their own homes.

There is a strong record in Western Australia of the state government, service providers and families working together to build capacity and ensure better and more effectively targeted service delivery. I think this is a function of proximity—people living in Western Australia understand the challenges unique to our state. Again, the concern among WA providers and families is that the NDIS will be administered by a distant east coast body that will not understand those issues as well and some of those innovations and flexibilities will be lost. If that occurs we will lose some of the responsiveness in the disability services system. Of course it may be that some of those concerns can be allayed as more detail is provided by the government and following the ongoing discussions between the Prime Minister and Premier Barnett. However, I feel it is important to place these concerns publicly and clearly on the record.

I hope that in establishing the NDIS the government will give careful consideration to its impacts in regional and remote areas and will monitor those carefully. Some of those who provided evidence to the committee felt a working group focused on rural areas should be established as part of the NDIS. I endorse that view. This would be particularly important given that none of the launch sites really encompass rural or remote communities. We need to have some mechanism in place to ensure the needs of these communities, which are very different from metropolitan or even larger regional centres, are being properly met and addressed.
Again these comments are offered constructively. We on this side want to make sure that the NDIS is the best it can be, and for that to happen we need to ensure all these matters have been thoroughly considered. I must say that it has been a little disappointing to hear some of the commentary about the approach of the Western Australian state government in relation to the NDIS. Yes, there is no rollout in Western Australia. However, the Productivity Commission did not envisage every state hosting a launch site. Hosting a launch site was never a precondition for taking part in a full national rollout. I understand discussions with the WA government are continuing. Premier Barnett has written to the Prime Minister proposing a joint Western Australian-Commonwealth NDIS.

We have just been through a state election in Western Australia so perhaps it was inevitable, but some of the mischievous commentary designed to imply that the WA government is somehow not supportive of the NDIS not only is wrong but I feel disrespects the sterling contribution so many carers and service providers in my home state are making. Spreading inaccurate information about the WA government's position to create fear is in my view unnecessary and counterproductive.

The cooperation of the state and territory governments around Australia will be crucial in this and critical in the success of the NDIS. The scheme will only be national if we get all jurisdictions on board and issues properly addressed. It is a complex piece of policy and none of us should be under any illusions about the challenge of implementing it. Again, this is where I think the Leader of the Opposition's call for a bipartisan committee would prove invaluable. So I implore those on the other side who would like to see a genuinely united approach—and I know there are some; perhaps many—to make their views known to the Prime Minister.

The funding aspects of the NDIS will of course be significant. The opposition supported the $1 billion initial allocation in the last budget. I note that the Productivity Commission said that the first phase of the NDIS would require $3.9 billion, so no doubt further provisions will need to be made in this year's budget. I urge the government to provide certainty with regard to this critical aspect of the scheme for the sake of those carers and service providers who so desperately need it.

As we all know, this is not a reform that has come about quickly, nor is it a reform that has come about without a good deal of toil and, let us be honest, tears from those who have family members and friends with disabilities and those who work as service providers. I want to thank them, particularly those who took the time and trouble to share their stories with me and my colleagues on the Senate Community Affairs Legislation Committee. Thank you for broadening our understanding of the challenges you face each day and helping to bring into sharp focus the importance of establishing the NDIS and getting the implementation right.

The NDIS will not be the solution to every problem faced by disabled people, their families and carers but, along with my colleagues, I am confident that it will be of great assistance if we can get the implementation right. That is a responsibility that will fall to all of us in this place, whatever our party, over the years immediately ahead and I look forward to playing my part in that role. This is one group of Australians who we cannot afford to let down.

In conclusion, can I remark that I think the passage of the NDIS is a great statement in
our democratic process. Reflecting on the comments of Senator Williams earlier, it does show the Senate committee process at its best. It gave many Australians an opportunity to share their stories and to make a contribution to this final piece of legislation.

Senator URQUHART (Tasmania) (13:38): I rise to make a short contribution to this debate on the National Disability Insurance Scheme Bill 2013. This reform will go down as one of the great social policy achievements in our country. When fully implemented, it will provide an individual care and support package to all Australians living with a disability, and support that is tailored to their needs, no matter where they live or how they acquired their disability. It is going to be a major change to how our community works with people with a disability, their families and their carers. It is a change that will be implemented through comprehensive trials across the country.

Tasmania will participate in a trial for about 1,000 15-to-24 year olds, starting from July this year. This trial will target assisting people make the transition from school based support to work or higher education, while also keeping them engaged in their communities. It will work with young people and their families, to plan and arrange the supports needed that will help them in their everyday life. Importantly, at the heart of the trial is a recognition of the unique needs of each individual, their family and their community.

I have had the pleasure of meeting with many Tasmanians to discuss how the NDIS will benefit and impact their lives. One such occasion was at a DisabiliTEA at Devonfield Enterprises in Devonport last year. Across the country, the Every Australian Counts campaign organised these events to bring people together to support the campaign for the NDIS. I was lucky enough to be able to help serve the lunches at the Devonfield DisabiliTEA and speak with those gathered.

Many of those in the room were the parents of people with a disability who regularly use Devonfield's services. The parents displayed an overwhelming sense of relief at the prospect of the NDIS. They were getting old and knew that they would not be able to care for their children forever. In the eyes of a mother, your children are always 'your kids,' regardless of how old they get, and you love them and wish them every happiness in the world. The mums that I spoke to were also full of so much excitement about the opportunities that the NDIS package will provide for their child. Two emotions really encapsulate the purpose of the NDIS: relief that the government is stepping up to the plate; and excitement for the possibilities that this will unleash.

The support of organisations like Devonfield has been crucial for the progress of this reform. The services at Devonfield are wide and varied. They provide a range of training and employment services, as well as day-support services and accommodation for over 200 people with a wide range of disabilities. It is at places like Devonfield that people with a disability learn the skills and build the confidence they need to have fulfilling careers and make positive contributions to their community. They have recognised the potential for their organisation and for their clients through embracing the NDIS, as did the parents and people with a disability who I spoke to at the DisabiliTEA lunch.

The push for the NDIS has really united the Australian community, leading to bipartisan support in this place. However, I am deeply concerned by recent remarks by the conservative Institute of Public Affairs, which, in consultation with those opposite
about potential budget cuts, have advocated that the first stage of the NDIS be cancelled and the public servants implementing the NDIS be sacked. They said that they had received positive support from senior members of the opposition. I hope not.

The Australian people expect the NDIS to be delivered from July this year. This reform has been many years in the making and Labor is committed to seeing it through. Australians should be very concerned by the IPA hit list. The case for this reform has been won. It has been led by tens of thousands of Australians and the Every Australian Counts campaign. Those people can be assured that Labor is fully committed to delivering the NDIS and I commend the bill to the Senate.

Senator McKENZIE (Victoria) (13:43): I rise to comment and contribute to the debate on the National Disability Insurance Scheme Bill 2013—a bill whose time has come and an issue that has been a blight right across our society, in how we as a community, as a nation, care for those within our communities with a disability.

The bill establishes the framework for the National Disability Insurance Scheme—the NDIS—a new program for funding care and support for people with a disability, which is intended to commence in full right across Australia from 2018. The coalition very, very proudly supports and encourages this important reform across the disability sector and we have been a full and active participant in the inquiry process. Both Senator Boyce and our shadow minister in this area, Senator Fifield, in conjunction with other coalition senators, such as Senator Smith and me, have been examining this legislation in detail as part of the Senate Community Affairs Legislation Committee inquiry into the bill, which I will tell you about a little bit later.

I also welcome the launch of the NDIS transition agency and the first stage of the scheme in five sites across Australia. I particularly welcome its launch in Victoria in July and commend the coalition government in Victoria for staying at the table and ensuring that the 4,000 people, their families and carers, in the Barwon region, including the local government areas—the city of Greater Geelong, Colac Otway Shire, the Borough of Queenscliffe and the Surf Coast Shire—will benefit under the launch in July. The first stage will cost the Commonwealth government $1 billion over four years from 2012-13 and $342 million over three years from July 2013 to provide up to 10,000 individually funded personalised care packages for people with significant and permanent disability in 2013-14 and for up to 20,000 people from 2014-15.

The introduction of the NDIS is a positive move, and these reforms are a continuation of the reform process that began under the Howard government in 2005. Providing help and support for people who have a disability should be the core business of government. And while I welcome the support of the not-for-profit organisations, it should not be the sole responsibility of the private sector and of organisations like Windara, near Bendigo, or BrainLink in the Latrobe Valley, or the many thousands of carers to coordinate an attempt to support disabled people and their families and carers across our nation.

The NDIS will be a complex scheme that will transform the disability care sector in Australia and has broad support through the disability sector, although concerns were raised throughout the inquiry about the lack of detail in the bill—some would say this is an endemic issue, nevertheless we will save that for another day—and the impact on small service providers. Further questions raised included how the full version of the NDIS will be financed, whether there will be
sufficient monitoring and other protections in place for participants, who specifically will receive the support and what specific support they will be able to access under the framework, and whether people aged over 65 should be able to become participants in the NDIS. It will take an insurance approach that shares the cost of disability service and support right across the community, it will fund reasonable and necessary services and support directly related to an eligible person's individual ongoing disability support needs and it will enable people with disability to exercise more choice and control in their lives through a person-centred, self-directed approach with individual funding.

Most Australians have assumed that because Australia is an advanced, wealthy nation that adequate support has been provided for people with disabilities. It is a reasonable assumption, but it has been somewhat misguided. Governments have struggled to find a solution for how to support those with a disability and their families. People with a disability have experienced significant barriers to full participation in both the economic and the social lives of the Australian community. A person with a disability has a poverty risk around 2.7 times higher than a person without a disability, putting Australia twenty-seventh—or last—out of the 27 OECD countries on this measure.

The support for Australians with a disability has been a frayed patchwork characterised by piecemeal programs, inconsistent eligibility criteria and a lack of coordination, so it is definitely time to invest in the needs of people with a disability, their families and their carers and work to ensure they are supported to meet their goals, objectives and aspirations over a lifetime. The current system of support for people with disability has been broken, and until recently we have not adequately addressed the need to support those people. Finally people will be able to decide for themselves how to manage their care and support. I remember hearing from particular witnesses during the hearing how important it was for them to be able to decide how and what services they needed to assist them to live with their disability, and the range is wide. Obviously they will need to be able to access assistance from local coordinators should they wish.

I commend the community affairs secretariat also on the mammoth task to produce this report. As usual, it is a comprehensive piece of work. Obviously, I again commend the shadow minister, Senator Fifield, for his leadership in this area. And particularly I commend all of those on both sides of the Senate chamber for their strong bipartisan support for the NDIS.

My involvement in the Senate inquiry, though brief, centred around the Geelong and Melbourne hearings and it shaped my concerns relating to the specific needs of people who live outside metropolitan areas. I would like to particularly acknowledge the thousands of Victorians living with a disability outside metropolitan Melbourne, and their families, who have suffered for so long and have waited so patiently for this major national reform. There are 161,000 people in Victoria with a disability. Given that 28 per cent of Victorians live in rural and regional areas and that disability crosses all socioeconomic groups, there are around 46,000 people living with a disability outside Melbourne. That is 46,000 people with a disability and at least another 46,000 regional Victorian families and carers—enough to fill the MCG on grand final day, if only they could all get there.
The NDIS Productivity Commission report confirmed what these people already know and what many of us know—that is, there is significant regional disparity between the city and the country when it comes to disability service provision. There has been less regional support for those people with a disability in regional Australia, and I quote directly from the Productivity Commission's report:

… rural and remote areas face poorer provisions of support than would be available to cities and metropolitan areas.

The current system is fundamentally flawed, the availability of support has been limited by location, and many families in regional and rural Victoria have not been able to get access to funding or assistance as the system currently operates. Everyone has to compete for a limited pool of resources, and for many families it is a situation of crisis. As the Nationals senator for Victoria, I have met disabled people and their families from across my state, and they have all challenged my notion of hard work and sacrifice. These people have been so desperately in need of our support. To the families who have been required to sell the family farm and move to Melbourne because that is the only way they can get support for their child, to the elderly dairy farmers who are worried about how to care for their 55-year-old intellectually disabled son once they are gone, to the families whose children attending Windara near Bendigo are looking to set up a residential facility, to the people who are worried about their children having to leave home in order to receive the care they need, I say: this National Disability Insurance Scheme is long overdue. It is an idea whose time has come. Again, to the Productivity Commission report: Australia's disability support system is inequitable, fractured, underresourced and slowly collapsing under the weight of its own inadequacies while suboptimally consuming billions of dollars of taxpayers' money each year.

So I welcome a number of amendments to the legislation that have been proposed throughout our inquiry. Specifically, I would like to draw the Senate's attention to the coalition's additional comments. In these comments we reiterate our strong support for the National Disability Insurance Scheme. Australia needs a new system of support, based on need rather than rationing. If we are going to do something, let us do it well and ensure that the role of government is for those in our communities least able to support themselves. We need to state once and for all on the record that this is an issue beyond partisanship. This is about empowering the individual, removing government from people's lives and reducing red tape. It is fantastic that both sides of the chamber are supportive of those types of measures, particularly around issues of disability.

But I have a number of concerns. One is the need to ensure that whilst this is a framework that outlines our intent and aspiration, we ensure that we monitor how this once-in-a-generation reform in the disability sector rolls out, because it is a bipartisan reform. We are proposing some amendments to assist parliament in ensuring that the rollout of the NDIS does fulfil the needs and the expectations of the community. The expectations are great. There are expectations to ensure service provision and to ensure adequate financial restraint so that money goes where it is needed rather than being rationed.

Other amendments are to subclause 35(4) that provides for rules to be made to deal with compensation payments when determining what is reasonable and necessary support that will be funded or provided and how to take this into account.
The vast majority of people with disability have only ever received informal care, usually from family members. Nationally this is 66 per cent, but in regional centres, where less formal public support exists, we have heard anecdotal evidence that this figure is much higher. It is more likely that community support is strong in regional centres and smaller towns simply because it needs to be. Informal care is vital to the care needs of people with disability. This will continue to be the case in the future, regardless of improvements in the provision of NDIS support. Currently, the formal support provided by informal care is insufficient. This is most visible in the unmet need for supported accommodation and respite, particularly in regional centres. The need for more support care has been made strongly.

Similarly, I raise amendments to subclause 26(2) and (3). The proposed legislation has been adjusted so that a CEO is allowed to make requests for an extension of longer than 28 days for a person to meet the access criteria. This is particularly relevant for people in regional and remote areas of Australia, as a result of the availability of relevant and experienced medical professionals. Someone in regional Victoria, for example, might need more than 28 days to make the necessary medical appointments, drive to Melbourne or Adelaide to see a specialist, attend and have the report provided to the CEO in the previously required time frame. This is a sensible amendment; fantastic work again by the Community Affairs Legislation Committee.

Similarly under subclause 24(1) and (2) the NDIS will be a needs based rather than diagnosis or aged based scheme. Funding will be provided not because a person has a diagnosis but because they cannot function physically, intellectually or socially and need particular assistance. If they meet one or more of the intellectual, cognitive, neurological, sensory or physical impairments or psychiatric conditions, and the impairments are or are likely to be permanent then they will meet the criteria and be eligible. Given these changes, if the impairments result in substantially reduced functional capacity, including psychosocial functions, and they cannot communicate or interact socially, or if they have trouble learning with mobility, with self-care or self-management then they are eligible for NDIS support. This supports a key recommendation of the Productivity Commission inquiry report that assessments move from medical diagnosis to an assessment based on the capacity of the individual to work or undertake training.

Firstly, I have a number of concerns. Can we be sure that participant families who have actively supported their disabled adult or child will not be disadvantaged financially by the NDIS? How will the NDIS encourage, recognise and reward family participation? Secondly, some regional towns in Victoria have developed specific areas of expertise and have great specialists working specifically with the needs of people in their communities. While some disabilities might be better supported than others, providing for the specific needs of people in the regional areas is a particular concern of mine. The legislation is not perfect, and introducing an NDIS is complex, but whatever it looks like we need to make sure we capture existing services and add to them, not start from scratch. Some conditions might be better supported than others, and this is local knowledge in all country towns.

Finally, I have concerns about the capacity of this government to effectively implement this costly and complex reform. It is instructive that the unmet support needs of people with disability cost roughly $6.5
billion each year, roughly equivalent to the annual interest bill on the government debt the Gillard government has run up. While the coalition and other parties supported the NDIS and the broad architecture outlined by the Productivity Commission, the detailed design of the scheme, the legislative drafting and launch site implementation are the responsibility of the Gillard government. We wish them every success in ensuring that the high community expectation and the particular needs of our disabled communities are met through this legislation as outlined in the government's response. We wish them success, but we recognise that the implementation of the NDIS is solely in their court.

The coalition has offered to be partners with the government in the design of the scheme and the drafting of legislation through the establishment of a joint parliamentary committee to oversee the implementation of the NDIS. Unfortunately, the government has not accepted our offer. Therefore the coalition has not had the benefit of the information and the opportunities such a committee would have provided to work with the government on this truly bipartisan, once-in-a-generation reform before us.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Prime Minister

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:00): My question is to the Leader of the Government in the Senate representing the Prime Minister. I refer the minister to an interview by the Minister for Foreign Affairs, Senator Bob Carr, with Leon Compton on ABC Radio in Hobart yesterday morning where the minister on two occasions, when asked specifically to do so, refused to support the government's proposed media reforms. I also refer the minister to reports this morning by the journalists Peter Hartcher and Mark Kenny that Senator Bob Carr has told people overseas that he has lost confidence in the Prime Minister and that the minister for aged care, Mr Mark Butler, has also lost confidence in the Prime Minister. Does the fact that two senior members of the cabinet refused to publicly express their confidence in the Prime Minister, and that one of the most senior ministers in the government, Senator Bob Carr, has said that that is because of the media package, inevitably mean that the Prime Minister presides over a divided and dysfunctional government?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:01): Twenty-four hours and that was the best you can come up with? Twenty-four hours to come up with a policy, talk about the National Broadband Network, talk even about media policy—at least for the last few days you have been on the media policy; you have actually been on policy. But, Mr President, those opposite are dredging the bottom of the barrel. We have already seen this morning a press conference—through you, Mr President, I draw your attention, Senator Brandis, to the press conference—that the foreign affairs minister held in New York or, I think, Washington. He is on his way to New York now. In Washington he came on the ABC and he said the report was completely untrue.

Opposition senators interjecting—


Senator CONROY: I can draw you to the transcripts or we could possibly let you
see it on iView—that is able to be seen on computers, Senator Heffernan; it is called IPTV. Senator Carr could not have been more categorical when he said, 'The journalists never even attempted to contact my office.' He had spoken to his office and they had never even attempted to contact the office, to paraphrase what Senator Carr said, but reasonably accurately. And we have seen this morning Mr Butler tweet that it is also untrue.

Those opposite have got no substance. They are policy free and they are stooping to the bottom of the barrel because they have no care for the vision for this country. They do not care about childcare workers. They do not care about textile workers. They do not care about transport workers. They have opposed every single reform in these areas to improve the life of working people in this country. They have absolutely demonstrated with that question—(Time expired)

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:03): Mr President, I have a supplementary question. Are Senator Bob Carr's emphatic denials of the story in his press conference this morning and pledges of unending loyalty to the Prime Minister any more credible than Ms Gillard's pledges three years ago of full confidence in and unending loyalty to Mr Kevin Rudd?

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) (14:04): The leadership issue was dealt with. Let me be very clear: the Prime Minister won an overwhelming, in fact a record, mandate—a record mandate. Those opposite have now wasted—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Conroy, resume your seat. When there is silence on both sides we will proceed. Senator Conroy.

Senator CONROY: Thank you, Mr President. Those opposite have now wasted nearly 10 minutes of question time on sleaze. They want to try and muddy up the reputation of front benchers and ministers in this government. Why don't you try asking
one of the ministers a question about policy? They are all here in a line for you. Why don't you ask about some policy? Ask about media policy.

Honourable senators interjecting—

The PRESIDENT: I will give the call to you, Senator Brandis, when there is silence on both sides. Senator Brandis.

Senator Brandis: Mr President, on a point of order: it is hardly sleazy to ask whether the Prime Minister of Australia enjoys the confidence of her own caucus. The question was very simple: can the minister who does lead the government in this place give to the Senate a full and unequivocal assurance that the Prime Minister enjoys the confidence of all her ministers? The fact that he has exhausted almost all of his time in failing to give that assurance is itself revealing, but I do ask you to draw him to the question.

Senator Jacinta Collins: Mr President, on the point of order: again this is utter rubbish. The opposition has been clearly given that assurance.

Honourable senators interjecting—

The PRESIDENT: Order on both sides! There is no point of order. The minister is answering the question. The minister has nine seconds remaining if the minister has anything further to add.

Senator CONROY: I can assure those opposite that the Prime Minister enjoys the overwhelming support of the caucus, as she showed—overwhelming support. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT (14:08): I draw to the attention of honourable senators the presence in the chamber of a parliamentary delegation of representatives from the ASEAN member states. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Migration

Senator CROSSIN (Northern Territory) (14:08): My question today is to the Minister representing the Minister for Immigration and Citizenship, Senator Lundy, but before I ask my question, Mr President, I think I need to draw to the attention of the chamber that it is your birthday today.

The PRESIDENT: That is completely disorderly, Senator Crossin!

Senator CROSSIN: You are lucky enough to share your birthday with my daughter Kate, who turns 17 today—and that is definitely not disorderly. My question to Senator Lundy is: can the minister outline to the Senate how the changes that were announced by the Minister for Immigration and Citizenship yesterday affect the 457 visa system?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:09): The government made it clear, when the Minister for Immigration and Citizenship first announced the changes to the 457 visa system, that we are unapologetic in implementing changes to stop employers rorting the system. We know that unscrupulous practices by employers that are not enforceable under current rules have emerged: for example, the project administrator who is actually scaffolding on a building site. The protection of local workers' pay and conditions is a core Labor value that we have fought for over generations, and these protections apply regardless of your citizenship. We need fair
workplaces for all workers irrespective of your passport.

That is why the government further announced that we are seeking to amend legislation to enable inspectors of the Fair Work Ombudsman to investigate whether a subclass 457 visa sponsor is meeting their sponsorship obligations. Currently in the Department of Immigration and Citizenship there are 34 inspectors appointed under the Migration Act to monitor compliance with sponsorship obligations. That is 34 inspectors looking at over 100,000 primary 457 visa holders in Australia at the moment. By enabling Fair Work Ombudsman inspectors to investigate compliance with the subclass 457 sponsorship obligations, we are significantly increasing the number of officers who can investigate sponsors and pursue complaints. This government supports the 457 visa system, but it does not support the integrity of the system being undermined by it becoming the low road to exploitation of workers and the undercutting of wages and conditions. It has an appropriate place where there are legitimate skill shortages and it is used in the way for which it was designed.

Senator CROSSIN (Northern Territory) (14:11): Mr President, I ask a supplementary question. I further ask: will there be any red tape imposed on business or businesses as a result of yesterday's announcement?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:12): We know there are genuine skill shortages in some sectors and in some regions in Australia, and overseas temporary skilled workers are needed to fill those gaps. But we do not and will never support employers exploiting loopholes to undermine the integrity of the 457 visa system. Let me be very clear: employers who use the 457 scheme as it was intended—to fill skill shortages—have nothing to fear from the announcement the government has made. There will be no additional compliance and no additional red tape. But the government is committed to stamping out exploitation of the system by those unscrupulous employers. When the 457 system is exploited all Australians, including permanent residents, migrants and refugees who are seeking work, are the ones that miss out. We are committed to sending a very clear message to those employers. (Time expired)

Senator CROSSIN (Northern Territory) (14:13): Mr President, I ask a further supplementary question. Finally, I would like to ask the minister if she is aware of any risks associated with actually implementing these changes.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:13): I thank the senator for this question. This government is one that governs on the Labor values of protecting all workers. We need to be persistent as we face an opposition that chooses to campaign on fear rather than on fact. The minister for immigration was presented with clear facts that showed the 457 visa system was being rorted and, as a government, we acted on that evidence. Yesterday we put in place further protections for those on 457 visas to ensure those employers who wish to rort the system are caught. The opposition see the 457 visa system as they have described it: as a mainstay of immigration. This is not what subclass 457 visas were created for. They are not a mainstay of immigration; they are there to fill specific skill shortages for a specific period of time. (Time expired)
Media

Senator McKENZIE (Victoria) (14:14): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I remind the minister that yesterday the Joint Select Committee on Broadcasting Legislation heard from WIN Television that they have serious concerns over the future of their 25 regional news bulletins if the 75 per cent reach rule is removed. CEO of WIN Television, Andrew Lancaster, said that removing the reach rule would be 'the end of regional television'. Given this, isn't it now obvious that the government's media reforms will not only restrict freedom of the press but also restrict the provision of local news, local sport and local weather to regional Australia?

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) (14:15): I thank the senator for her question. The senator has asked me about the 75 per cent reach rule which, as all senators would know, has been part of discussions by a joint parliamentary committee to look at this issue specifically as, for the last two or three or four—probably even five—years that I have been talking about and advocating that we repeal the 75 per cent reach rule on the basis that there is this incredible new invention called the internet! When TV stations—

Honourable senators interjecting—

The PRESIDENT: Order! On my right and on my left! Senator McKenzie is entitled to hear the answer. If you wish to debate it, debate it after question time.

Senator CONROY: There is this incredible new invention! When TV stations start streaming online they will be reaching all Australians—those that are on the NBN will be reached an awful lot better than those who will be trapped on the copper if those opposite get elected. But the basics are that they will be reaching all Australians. The 75 per cent reach rule was a rule introduced many years ago before the internet was a serious platform for television. Technology has run over the top of this particular piece of legislation.

Now because at the last minute a number of new concerns—or old concerns—had been raised, I said, 'Look, let's take it out of the package and let's have it considered separately because we don't want there to be any misconceptions about it.' I am not in a position yet to reveal what the deliberations of the committee are. I am waiting to read the report, like everybody else. Like everybody else, I watched with interest yesterday some of the testimony. I watched with interest some of the proprietors talk about the need for diversity—why there should be no further concentration of ownership. I saw owners describe the problems that that could create in this country. I endorse those views.

Senator McKENZIE (Victoria) (14:17): Mr President, I ask a supplementary question. I refer the minister to the 2012 Finkelstein report recommendations:

... one area that requires especially careful monitoring is the adequacy of news services in regional areas. There is some evidence that both regional radio and television stations and newspapers have cut back substantially on their news gathering, leaving some communities poorly served for local news. This may require particular support in the immediate future, and I recommend that this issue be investigated by the government as a matter of some urgency.

Minister, how do your media laws actually address that recommendation?

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): I thank the senator for that supplementary question. As the senator knows, there is a joint parliamentary committee to look at regional media. That committee's report is to be presented in a matter of weeks.
Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:18): I did note yesterday in the hearings that the word 'draconian' was tossed around a little bit. We saw draconian media legislation introduced in 2007. I do remember particularly—and Senator Joyce can take a bow at this point—that Senator Joyce crossed the floor. To give him credit, he understood the diversity question. But he also, along with his National Party colleagues, demanded that the legislation include the most draconian set of instructions to radio stations that have ever been put into legislation. They are so draconian that they just about dictated where the news ones were going to be, how many staff they could have.

We recently—as you would know, Senator Joyce, because you also voted for it—did ease back some of those controls, because they were so draconian. The industry has been coming to me for five years, saying, 'We cannot believe the legislation. It interferes in our business in a way we have never seen before.'

Senator McKenzie (Victoria) (14:19): Mr President, I ask a further supplementary question. I refer the minister to evidence provided by Kerry Stokes, chairman of Seven West Media, at yesterday's Senate select committee hearing that he first heard of the government's decision to remove the 75 per cent reach rule last Monday. Why hadn't the government consulted directly with the television broadcasters before proposing such a significant change to Australia's media regulation framework? Doesn't it just highlight that this government's approach to these reforms has been incompetent and bordering on negligent?

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): The 75 per cent reach rule was on the agenda of the convergence review. It went around the country and it took submissions from all organisations, including free TV, including possibly individual proprietors. I have advocated that, with the advent of internet TV, a 75 per cent reach rule is outmoded and ultimately will be bypassed by the technology involved. I have argued long and hard that it is time to modernise this law. I absolutely stand by that. I am absolutely confident that this law will be made to be a joke, if it is not already a joke, very shortly when companies start streaming online. But for anybody to have been unaware of my strong views on this, unaware that the convergence review was debating it, unaware that the convergence review makes some recommendations in this area or unaware that the laws that stand today and would still stand are the very laws introduced by those opposite—(Time expired)

Child Care

Senator Hanson Young (South Australia) (14:21): My question is to the Minister representing the Minister for Early Childhood and Youth, Senator Kim Carr. With the government's announcement today of $300 million capped over two years for child care wages to be lifted, a stark contrast to the $1.4 billion the childcare sector has been calling for—a quick back-of-the-envelope sum less than one-tenth—how many of the 60,000 childcare workers in fact will get any of this wage rise, especially considering that the majority, 70 per cent of them, are not on enterprise bargaining agreements?

Senator Kim Carr (Victoria—Minister for Human Services) (14:22): I thank the senator for her question. Today there have been announcements which highlight the
significant changes that are occurring in child care as a result of this government's modernisation of childcare arrangements in this country. The basic principle that Labor stands by in this matter is that modern families want quality child care. In this day and age, it is the responsibility of governments to work closely with the childcare sector to ensure that we have a system that is flexible, that is of the highest quality and that actually meets the needs of Australian parents.

We understand that hardworking and dedicated early childhood workers have rights, and the government is prepared to work with the industry to ensure that those rights are recognised. That is why we are investing $300 million over two years to provide wage increases to the early childhood education and care workforce and to assist services to attract and to retain quality staff. This is a significant increase for early childhood educators. Through the Early Years Quality Fund, the government will provide grants to eligible long-day care services that will enable them to provide increases of $3 per hour to certificate III qualified personnel and provide proportional increases for those with diploma and bachelor qualified staff.

The government's announcement further assists to ensure the professional status of those who work in the industry, the hardworking staff, is able to be maintained and that we are able to provide a significant level of support to encourage the owners of childcare services—(Time expired)

Senator HANSON-YOUNG (South Australia) (14:24): Mr President, I ask a supplementary question. I thank the minister for his answer, although he did not actually answer the question I asked, which was: how many workers will actually benefit from this wage rise? We know that 70 per cent of the workforce is not eligible, based on the criteria outlined by the ministers today. Knowing how important it is to lift quality, why has this announcement not gone to helping lift the wages of qualified teachers in childcare centres?

Senator KIM CARR (Victoria—Minister for Human Services) (14:24): I thank the senator for her question, but the priority of the government has been to assist the lowest paid within the childcare workforce. You would be aware that the states also have responsibilities in terms of the teaching requirements, and we have seen disputes across a number of states. As a result of the intransigence of state governments in meeting their obligations to assist meeting the wages bill of qualified teachers in various centres and various settings across the state education system, we have seen that the rundown in the education system has meant that there has been a significant reduction in the amount of money that is actually going towards the indexation arrangements for our education system. So, in fact, these state budget cuts have led to a reduction in funding—(Time expired)

Senator HANSON-YOUNG (South Australia) (14:25): Mr President, my final supplementary question to the minister is: what is the minister's response to claims within the government's own ranks that cutting the single parent's pension, pushing single mothers and their children below the poverty line, has undermined any moves in relation to child care?

The PRESIDENT: The minister can answer that in so much as it applies to the portfolio that he is responding on behalf of.

Senator KIM CARR (Victoria—Minister for Human Services) (14:26): Mr President, I am more than happy to answer the question, but I do think it is way outside of the standing orders to be asking a question of
one portfolio and switching to an entirely different portfolio in a subsequent supplementary question.

**The PRESIDENT:** I have indicated that you need answer it only in so much as it applies to your portfolio.

**Senator KIM CARR:** I will just indicate to the senator that, if she wishes to ask a question in the Human Services portfolio, I am more than happy to deal with it. The fact remains that the government is seeking to provide additional support to single parents through a range of measures—not just the Newstart payment, but through a range of measures—which, of course, go towards providing assistance to maintain our young children. The proposition that you have advanced is, in fact, based on a falsehood. The proposition here is about ensuring that we encourage people to actually take up employment. We know that the single—(Time expired)

**Media Reforms**

**Senator SMITH** (Western Australia) (14:27): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I ask the minister whether he will concede that News Ltd Chief Executive, Kim Williams, is correct when he states that the minister's bills are unconstitutional, dangerous and contain a deeply troubling lack of detail. Will the minister come clean and admit the reason that so many of the terms, definitions and powers in the bill are so ill defined is to give the public interest media advocate significantly more power and control than he has admitted to date?

**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) (14:28): I thank the senator for his questions. The role of parliament in establishing underpinnings for regulatory frameworks for journalism has been a hot topic in this chamber for a couple of days. Mr President, you may remember the very famous news headline that came up recently in the *Daily Telegraph*. Some of you may be familiar with it. You may have even got my autograph on it by now. But I regret to inform the chamber that overnight a new villain has to be added to this list of despots, and his name is Mr David Cameron, the Prime Minister of the United Kingdom, who has rolled over to a Stalinist-type regime and introduced a statutory underpinning for a self-regulatory framework. In fact, it is not even self-regulatory; he has established a completely independent of the proprietors press council. So, if a conservative Prime Minister—

**Honourable senators interjecting—**

**The PRESIDENT:** Order! Shouting across the chamber is disorderly. I remind you, Senator Brandis is entitled to be heard in silence.

**Senator Brandis:** Mr President, I rise on a point of order on relevance. On the question of direct relevance, the question was limited to the powers of the Public Interest Media Advocate. It cannot be directly relevant to that question to be commenting on what the government of the United Kingdom may or may not have done overnight.

**Senator Jacinta Collins:** Mr President, of course what occurs in the UK can be relevant!

**Honourable senators interjecting—**

**The PRESIDENT:** Order on my right! When there is silence on both sides we will proceed. The minister has been going for one minute and eight seconds and still has 52 seconds remaining. I am listening closely to the minister's answer and I remind the minister of the question.
Senator CONROY: Thank you, Mr President. The question of Mr Kim Williams's testimony of whether or not the Public Interest Media Advocate's powers are objective or subjective has been debated all around the world. In Ireland they have had this very debate. I was interested to read the views of Michael McNiffe, then editor of the News Ltd publication, the Irish Sun on the Irish Press Council. He said that the Irish Press Council is independent of the governments and will be accessible to everyone, so people will not need to go to lawyers if they feel they have a complaint about newspapers.

Senator Brandis: Mr President, on a point of order with only 12 seconds left for him to answer, the minister has told us about the United Kingdom legislation and he has told us about the Irish legislation. He was asked a question about the Australian legislation, a question specifically limited to the question of the Public Interest Media Advocate's powers. Can I respectfully submit that you should direct him to the question he was asked and to bring him back to Australia?

The PRESIDENT: The minister has 12 seconds remaining. The minister should come to the question.

Senator CONROY: Mr President, the objective test versus the subjective test has been debated all around the world, which includes countries like the United Kingdom and Ireland, and it even includes the US. (Time expired)

Senator SMITH (Western Australia) (14:32): Mr President, I ask a supplementary question. If he will not accept the concerns of Mr Williams, will he accept Fairfax chief executive Greg Highwood's assessment that his reforms are a nuclear option that have the potential to basically shut down news organisations?

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) (14:33): That was a very broad observation by Mr Highwood. The sort of hysterical reaction that we have seen by News Ltd goes much, much further—

Senator Cormann: This is Fairfax, your friends!

Senator CONROY: Really, are you sure? I had not realised that, Senator. I have met Greg. I thought Greg had moved companies for a while—

The PRESIDENT: Order! Senator Conroy, ignore the interjections and address the chair.

Senator CONROY: My apologies, Mr President, I should ignore those interjections. The public interest test is a concept that is not new. For 80 years it has existed in the United States of America. In the United Kingdom they have a public interest test and, as I have just described, overnight in the United Kingdom David Cameron signed up. (Time expired)

Senator Cormann interjecting—

The PRESIDENT: Order, Senator Cormann, I am waiting to call your colleague who is on his feet.

Senator SMITH (Western Australia) (14:34): Mr President, I ask a second supplementary question. If the minister insists on remaining blind to the concerns of industry, will he at least take stock of the statements of Mr Oakeshott, Mr Thomson, Mr Windsor, Mr Katter and Mr Wilkie and admit that this outrageous attack on media freedom is dead in the water?

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) (14:35): (Time expired)
Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:34): A question like that, phrased as an 'outrageous attack' on the freedom of the press has a fairly broad base to work with. Therefore Mr Cameron, the Prime Minister of the United Kingdom is engaged in an outrageous attack on the freedom of the press in the United Kingdom, and we have a public interest test in the United States, so those senators in that Senate over there are in an outrageous attack on the public interest! There is an outrageous attack on freedom of speech in the United Kingdom and, as for those Irish, they are a disgrace! Really, those opposite just need to lift their heads from up underneath the table and look at what the rest of the world is doing. A public interest test is common and, as we are seeing increasingly as the power of the press around the globe is increasing, governments in those countries are looking to ensure a fair balance for ordinary citizens— (Time expired)

Freedom of Speech

Senator MOORE (Queensland) (14:36): I would say happy birthday, Mr President, but it would be inappropriate.

The PRESIDENT: No, disorderly!

Senator MOORE: My question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister update the Senate on the Gillard government's approach to supporting the not-for-profit sector? In particular can the minister outline any steps taken by the government to safeguard the right of the not-for-profit sector to advocate in the interests of the community?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:36): I thank the senator for her question. Of course she hails from the state of Queensland in which we see a conservative government demonstrating what they really think about free speech as they muzzle the not-for-profit sector and the people who do good work in our community because they do not want people to complain about the cuts they are making. This is from the party that prides itself on being the party of free speech.

I have been waiting to hear from the Queenslanders on that side because they are generally very quiet—Senator Brandis and Senator Macdonald. I have been waiting for them to actually stand up and argue for free speech for Queenslanders. I have been waiting for that, but I suspect we are still waiting. On this side of the chamber we understand the importance of the not-for-profit sector and we understand its value. We appreciate the important work community organisations do. We believe it is vital for these organisations to be independent and free to advocate for change. That is why this government is safeguarding the right of the not-for-profit sector to advocate in the interests of the community.

As a government, we have made clear that we will ban the use of gag clauses in government contracts with the not-for-profit sector, because we actually believe in freedom of speech. When we came to government in 2008, we made clear the position of the Labor government. In 2008 we introduced this as Commonwealth policy, and now we are taking this one step further and we will legislate for it. We will legislate to ban the gag clauses that are a part of the conservative modus operandi.

Senator MOORE (Queensland) (14:38): Mr President, I ask a supplementary question. Can the minister outline any precedents in Commonwealth contracts with the not-for-profit sector that indicate the real need for a legislative approach to guarantee this right to advocate?
Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:38): I have been asked about precedents. The precedents should be known to those opposite. I suspect a couple of them might have been staffers, because it was the former Howard government and the former Treasurer, Peter Costello, who introduced gag clauses into Commonwealth contracts when those opposite were in power. They are very silent over there about the principle of freedom of speech. Who removed that? This Labor government removed that policy. Where else is it in place? Queensland.

Senator Abetz: Why did it take you five years?

Senator WONG: I will take that interjection. We removed it in 2008. We are now introducing an additional protection, which is to put it in legislation. But, of course, what we see in Queensland is a double whammy: a coalition government cutting services and then gagging the people who would speak out against it. (Time expired)

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:40): The government understands that every dollar spent on administration by a community organisation is a dollar not spent on delivering important services, which is why I have recently announced a number of measures to improve our interaction with the sector and to reduce unnecessary red tape for community organisations. We have also revised Commonwealth grant guidelines to lessen the burden of red tape on this sector.

This cooperative approach stands in stark contrast to what we have seen from coalition governments in the federal sphere and what we continue to see from the Newman government. These people trumpet freedom of speech. These people opposite have been lecturing us about freedom of speech, but when it comes to protecting the charities and not-for-profit organisations who deliver to the neediest in the Australian community and the rights of those people to speak out, we hear nothing.

Senator Brandis interjecting—

Senator WONG: Senator Brandis is braying another interjection, but he does not stand up once for the not-for-profit sector and the charities in Queensland being gagged by his coalition mates. (Time expired)

National Broadband Network

Senator BIRMINGHAM (South Australia) (14:41): My question is to Senator Conroy, Minister for Broadband, Communications and the Digital Economy. Does the minister stand by his commitment that the National Broadband Network will pass 286,000 premises with fibre by 30 June this year? Is that commitment consistent with the latest advice provided to the minister?

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) (14:41): Given that Mr O’Farrell has told the New South Wales schools not to join up, Senator Brandis—

Senator Brandis interjecting—
Senator CONROY: That is just a fact. Look at the *Illawarra Mercury*—it is right there in black and white. The best way to avoid meeting the targets of the National Broadband Network Company is to elect those opposite, because they only have one plan. Mr Turnbull recently called on NBN Co. not to sign any more contracts. He wants to pretend that he is going to finish the NBN, but he has told them to stop signing the contracts. The best way to avoid meeting any NBN Co. target is to stop signing contracts.

Mr Abbott has even indicated that he is not going to spend a cent on the National Broadband Network.

Senator Birmingham: Mr President, I rise on a point of order on a matter of direct relevance. The question was about the meeting of targets by 30 June. Given the election date is apparently 14 September, I cannot possibly see how the coalition's policies are relevant to achieving a 30 June target date set by the minister.

You commit; do you still stand by it?

The PRESIDENT: The minister has one minute remaining. I draw the minister's attention to the question.

Senator CONROY: As I was saying, Mr Abbott has actually said there will be no money for the coalition NBN plan. They are going to save $50 billion—no money for your plan. The NBN Co. provides detailed reporting of its performance to the parliament and the public. At senate estimates in February, NBN Co. CEO Mike Quigley informed the committee of the initial deployment challenges being faced and experienced by NBN Co.'s contractors. I think Senator Birmingham was present. In particular, Mr Quigley highlighted that workforce mobilisation issues were being faced particularly by Syntheo in Western Australia, South Australia and the Northern Territory. I am seeking further information—

Senator Brandis: Mr President, I rise on a point of order on a question of direct relevance. We have been very patient with this minister, but he was asked whether he stood by a commitment that the NBN would pass 286,000 premises by 30 June. He has given context, but he does have time to give the assurance that was asked of him or to tell the Senate that he cannot give that assurance. But that was the only he was asked, and you should direct him to it.

The PRESIDENT: I cannot direct the minister how to answer the question. I did draw the minister's attention to the question at the one minute mark. The minister has 12 seconds remaining. I draw the minister's attention to the question.

Senator CONROY: Mr President, as I was saying, I am seeking further information from NBN Co. about the proposed actions contractors will take to address these challenges. But let me make it clear: we are determined—(Time expired)

Senator BIRMINGHAM (South Australia) (14:45): Mr President, I have a supplementary question, noting and inviting the minister again to indicate to the Senate: does he stand by the 286,000 target? How does the minister reconcile his previous statements to the Senate that the rollout is ramping up when in fact there has been a significant collapse in the speed of the rollout this year? Is it correct, as recorded in *CommsDay* yesterday, that NBN Co. has on average passed just 140 premises per week this year but to meet the minister's promise they must increase that to over 12,500 per week for every week until 30 June?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:46): As I indicated in my answer to the previous
question, Mr Quigley advised the Senate that we were facing challenges, particularly in Western Australia, South Australia and the Northern Territory.

Senator Ronaldson interjecting—

Senator CONROY: Don't you worry, Senator Ronaldson, the rollout is coming to you. I am personally coming doorknocking to connect you up.

The PRESIDENT: Senator Conroy, ignore the interjections. You should address your comments to the chair. Ignore the interjections, they are disorderly.

Senator CONROY: My apologies, Mr President. I should ignore the interjections. We have indicated that there are challenges. I have sought information from NBN Co. to assist in bringing it together and overcoming those challenges, but the NBN Co. has an enormous challenge in organising with their contracting partners that ramp up. We have made it clear that there are challenges in meeting those targets and we are seeking more information. (Time expired)

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) (14:48): Mr President, I am aware from media reports today that the Greens have renewed their call for an inquiry into the Iraq war. The issue was raised in August last year. As the Prime Minister and the Minister for Defence made clear at the time, the government is not considering an inquiry into the Iraq war. The issues surrounding the intelligence on there is a target of 140,000 at all. I have not received any information. But let me be clear: NBN Co. go through probably a daily assessment about how their partners are going. They are in constant contact seeking information from their construction partners. I am seeking to gain information from the NBN Co. to find out where that process is up to. My understanding is that NBN Co. is consulting their construction partners to ensure that the construction partners are ramping up and that they are seeking to ramp up as fast as they can. (Time expired)

Iraq

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:49): Mr President, my question is to the Minister representing the Prime Minister, Senator Conroy. As this week is the 10th anniversary of the US-led invasion of Iraq, resulting in the deaths of almost 5,000 coalition troops and over 100,000 civilians, and billions of dollars misspent on reconstruction projects, will the government follow the lead of like-minded democracies such as the United Kingdom and the Netherlands by establishing an independent inquiry into Australia’s involvement in this illegal war, in particular the honesty and accountability around the stated reasons for and the decision to participate in the war?

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) (14:50): Mr President, I am aware from media reports today that the Greens have renewed their call for an inquiry into the Iraq war. The issue was raised in August last year. As the Prime Minister and the Minister for Defence made clear at the time, the government is not considering an inquiry into the Iraq war. The issues surrounding the intelligence on
weapons of mass destruction have already been the subject of both extensive government and parliamentary reviews. Any further questions are obviously a matter for the Prime Minister of the time, Mr Howard, and his senior ministers.

I want to reiterate the comments made in August last year by Minister Smith:
The circumstances of the Iraq war have been gone through by any number of parliamentary inquiries, particularly in the Senate. You always learn lessons from a former or a previous conflict.

Mr Smith went on to say:
My political party, the Labor Party, opposed going to Iraq and when we came to office we withdrew our combat troops. So our longstanding view of Iraq is well known.

Mr President, I am not sure there is a lot more I can add to the senator's questions, but if there is any other information I am able to provide, I will see if it is available.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:51): Mr President, I have a supplementary question. Minister, given the statements by the then opposition leader, Simon Crean, that the Howard government had lied to the Australian people about the basis for its decision to go to war, and the ALP's condemnation of the decision, is it now the government's position that any decision to put Australian troops in harm's way should be made by the elected representatives of the parliament, not by an executive which relies on and releases only selective information?

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) (14:52): The decision to go to war is rightly a decision for the government of the day. Decisions by the government of the day are always tested, or are able to be tested, on the floor of the House of Representatives, which, of course, determines who forms a government. Parliaments are rightly able to consider and debate important matters of state, as the parliament did during the debate on Afghanistan. But it is for elected governments to exercise responsibility and be held to account for the decisions they make, including going to war.

These decisions do not require an act of the parliament. They are an exercise of executive power under section 61 of the Australian Constitution. The government regards this long-standing constitutional practice as appropriate, and does not support any proposal to alter these arrangements. 

(Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:53): Mr President, I ask a further supplementary question. Does the government agree with prominent Australians such as former Prime Minister, Malcolm Fraser, former secretary of defence, Paul Barratt, and former Chief of the Defence Force, General Gratton, that unless Australia recognise—

Opposition senators interjecting—

The PRESIDENT: Just a minute, Senator Milne, you are entitled to be heard in silence.

Senator MILNE: Thank you, Mr President. I am interested that the coalition is disowning Malcolm Fraser, but anyway—

Honourable senators interjecting—

The PRESIDENT: Order! On both sides.

Senator MILNE: If we do not recognise that the war was a humanitarian, legal, political and strategic disaster we will not learn the lessons from this episode, and we are at grave risk of engaging in equally ill-founded wars in the future. Does the government agree?
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) (14:54): In my first answer, I indicated the comments by my colleague, Mr Smith, where he said:
You always learn lessons from a former or a previous conflict.
The issue of the assessment of the Australian intelligence community of Iraq's weapons of mass destruction has been considered by two inquiries. The former parliamentary joint committee on ASIO, ASIS and DSD considered the matter, as did the so-called Flood inquiry into Iraq's weapons of mass destruction. The Flood inquiry found that there was an intelligence failure by Australia's agencies on Iraq, and that intelligence was thin, ambiguous and incomplete.

On the critical issue of independence, the Flood inquiry found no evidence to suggest policy or political influence on assessments on Iraq's weapons of mass destruction. Noting the inquiries that have already been conducted into this matter, as I said, there has been much to be learned from those. (Time expired)

Senator Cormann interjecting—

The PRESIDENT: Senator Cormann, someone sitting next to you is waiting to get to their feet to ask a question.

Western Sydney: Regional Development Australia Fund

Senator PAYNE (New South Wales) (14:55): My question is to the minister representing the minister for regional Australia, regional development and local government, Senator Conroy. I refer the minister to Regional Development Australia Fund grants in relation to Western Sydney. Can the minister advise why 10 days ago the Prime Minister suddenly invited 19 Western Sydney applicants for funding to submit full RDA Fund applications during her week-long stay in Sydney's west? Why is it now the case, as reported in the Weekend Australian of 16 March, that apparently only three of these funding applications for projects in Western Sydney under the RDA Fund will now be allowed to proceed to full assessment status in this round, and how will those three be selected?

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) (14:56): Could I thank the senator for her question. All organisations from Greater Western Sydney which submitted expressions of interest for round 4 of the Regional Development Australia Fund have been invited to submit a full application. All RDA committees have selected three projects to proceed to full application. An additional 17 from Greater Western Sydney were invited on—I think it was—Thursday 7 March this year to submit a full application.

The Australian and New South Wales governments are negotiating a memorandum of understanding to support economic growth and improve liveability in Greater Western Sydney. To ensure that all projects are considered within the framework of this new agreement, all organisations from Greater Western Sydney which submitted an expression of interest for round 4 of the Regional Development Australia Fund have been invited to submit a full application. Projects will be considered for funding from RDAF and any other opportunities which may arise. All applications for RDAF, including those from Greater Western Sydney, will be assessed for eligibility and
considered on their merits by an independent advisory panel.

The department of regional Australia and local government grants were announced to proceed to the next stage on, I think, 13 February—and as I have said, that is now just giving you some historical context—and since then, circumstances in Greater Western Sydney have changed. The New South Wales and Australian governments, as I have indicated, have established a memorandum of understanding. Australia is a nation of regions. Peri-urban and outer metropolitan areas are critical to our regional network. Metropolitan centres, peri-urban regions and outer metropolitan centres—

Opposition senators interjecting—

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

Senator CONROY: As I was saying, they are critical links in the supply chain and offer higher quality facilities and services to the arts and elite athletes. (Time expired)

Senator PAYNE (New South Wales) (14:59): Mr President, I ask a supplementary question—I will leave aside the question of in what year 30 February occurs. Why did the Prime Minister ask all previously unsuccessful Western Sydney applicants to resubmit full RDA—

The PRESIDENT: The discussion across the front of the chamber makes it impossible to hear Senator Payne. She is entitled to be heard in silence.

Senator PAYNE: Thank you, Mr President. Why did the Prime Minister ask all previously unsuccessful Western Sydney applicants to resubmit full RDA fund applications? What changed between the earlier rejections of those applications and that week’s announcements other than the fact that the PM's Google Maps finally landed on Western Sydney that week?

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) (14:59): Rounds 3 and 4, as I have indicated, were launched concurrently and are a comprehensive package to address the diverse priorities and needs of the regions. Round 3 provides small grants for projects located in small towns. Round 4 provides grants for strategic infrastructure projects. Each round has its own guidelines. RDA committees have considered all EOIs from across the region and selected up to five projects to proceed to full application for round 3. In round 3—and I am working my way systematically through all of these rounds because they are relevant to the question—440 EOIs were received, seeking more than $162 million in funding, and 216 EOIs, seeking $84.7 million in grant funding and investing $476 million in regional Australia, were selected to proceed to full application. In round 4, 478 applications were received. (Time expired)

Senator PAYNE (New South Wales) (15:00): Mr President, I ask a further supplementary question. How many other rejected applications from places other than Western Sydney were also invited to resubmit? When will the RDA committee for Western Sydney be fully established? Why should Western Sydney residents see this as anything other than an extension of the Prime Minister's already gratuitously cynical Western Sydney stunt visit?

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) (15:01): I utterly reject the basis of that question. To describe the Prime Minister's visit in those
terms demeans the questioner and demeans the chamber because those opposite—

Honourable senators interjecting—

The PRESIDENT: Senator Conroy will resume his seat. We will have silence on both sides.

Honourable senators interjecting—

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

Senator CONROY: Thank you, Mr President. As I was saying, it demeans the questioner to need to resort to that style of question. I will seek any further information that I can provide. I will see if it is available. I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
National Broadband Network
Media

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (15:02): 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, McKenzie, Smith and Birmingham today relating to proposed media legislation and to the National Broadband Network.

In The Castle there is a bloke called Steve who is an ideas man. That is why his dad calls him an ideas man. He has lots of ideas, like a motorcycle helmet with brake lights on it. Steve also has other ideas. Instead of a motorcycle helmet with brake lights on it, he can put underpants on his head. He is an ideas man. That is why we like ideas men. He has some great ideas.

Another idea of his was the NBN. Some of his best ideas have been in media policy. He is just an incredible ideas man. You have to understand that he is across it all. He has got it all worked out: 'It's the Constitution. It's the vibe. It's Mabo. It's the law.' It is the vibe—that is what it is all about. That is what the ideas man is all about.

We are so proud to have an ideas man like Senator Conroy. We are so lucky. Unfortunately, the ideas man is not very Apollonian in his ways. I always think of the ideas man as a little more Dionysian in how he goes about things. We are just trying to make sense of this absolutely chaotic state of the unconstructed. This ideas man has been coming up with some marvellous ideas of late. I want to go through a couple of them.

Removing the reach rules is a wonderful idea by the ideas man. We actually do have diversity in regional areas. We do have the capacity to inhibit centralisation. The ideas man has come up with the idea of basically removing the reach rules so that we can start having centralisation in the regional market.

His latest idea is a rather truncated idea. The idea he dropped on us on Thursday last week was new media laws and we have to vote for it—take it or leave it—by the next Thursday. On Monday we found out that some of the key players, such as Mr Kerry Stokes, do not have any idea what the ideas man is up to. He found out about it only on Monday. On Monday he found out that something that was instrumental to the media market was being devised by none other than his eminence, 'Mr Underpants on His Head', Senator Stephen Conroy.

What else have we got? Now the ideas man has a bit of a problem because his take-it-or-leave-it deal has turned into a 'I'll take anything to get it done' deal. We now find that they are desperately looking around for somebody who might agree with the ideas man. Where are we now? We are a couple of days away from when we find out whether
the ideas man's idea is going to hit the deck. I think it will.

One of the greatest ideas of the ideas man is the public interest test. We have absolutely no idea what this is and neither did Senator Feeney last night when asked on Q&A: 'What is the public interest test?' It was so simple: 'It's the Constitution. It's Mabo. It's justice. It's the law. It's the vibe.' That is it—it is the vibe; that is what the public interest test is. Nobody has any idea what the ideas man has dreamt up with this one.

There is a sense that it is actually about censorship. I know why the Labor Party would be so worried. They feel that the media is so biased because the media has pulled them up on some of their great ideas like ceiling insulation when they set fire to 194 houses. That was a great idea! They had other ideas as well. They had the idea of building school halls to try to save us from the global financial crisis. They had the $900 cheques. They had computers for every schoolroom.

Another one of his great ideas is the NBN. That is another brilliant idea. It was an idea that he did on the back of an envelope. No cost-benefit analysis, just a marvellous idea that he took onto a plane with Mr Kevin Rudd, who then became the Prime Minister. And then they had the idea to remove him as the Prime Minister—that was obviously not a good idea—and now we think they might have another idea to move back to Mr Kevin Rudd. This is really chapter and verse of our own version of The Castle, because we have our own Steve, our own Mr Ideas man. (Time expired)

Senator PRATT (Western Australia) (15:07): Senator Joyce, what a rhetorical load of—well, you know, the kind of—

Senator Johnston: Truth!
Senator Edwards: Truth!

Senator PRATT: Oh well, if you think that is the truth, then so be it. If you want to stand by the right of media organisations in this country to misrepresent citizens and to stand up for vested interests instead of the ordinary rights of citizens to have their privacy protected, then so be it. That seems to be the line in the sand that you have drawn, because we know that this debate is not about free speech, as those opposite would like to mislead the country; it is actually about them lining up with vested interests and media alignments.

The opposition not only misrepresented Minister Carr in their questions today; they are also doing a great discredit to what is an important need for reform in this country. There is no doubt that we need reform of media laws in this country because they are not working. They are simply not working and the Finkelstein report put that very, very firmly on the agenda. It is not doing justice to Australia's citizens.

Just today we have seen the United Kingdom go much further than Australia is proposing to go. We have seen good conservative government in the UK standing up for good citizens—people like the McCanns—who were terribly misrepresented. I can tell you that there are Australians who are misrepresented by Australian media and they deserve good process for the handling of complaints. Free speech is about standing up for diverse media voices in this country. You cannot have freedom of the press in this country if the media voices in this nation continue to consolidate in their ownership patterns. That spells trouble for free press and freedom of speech in this country.

Australia already has a highly consolidated media market, much more consolidated than comparable countries which value free press. This is an issue of
critical concern. It is of critical concern so that we can have freedom of speech, freedom of press and a diversity of voices in this country. How can you have free speech without a diversity of voices? If we have media outlets that own two of the local TV stations and the daily newspaper, what of that kind of environment? What does that spell for free speech? I tell you: in my book, it spells disaster for free speech.

These media laws are also about free Australian voices. It is about getting our media outlets and our TV stations to deliver Australian content. The media are asking for the capacity to broadcast, for example, across the whole footprint of this country. Senator McKenzie's question went to this point, saying that we already have media diversity, because they are a threat to the local media voices. But if you listen to what citizens in this country actually want, you will hear that they want more content, they want access to the same content that the rest of the country has access to, they want to keep their local TV stations and they want to keep their local news. What is so unreasonable about that? There is nothing unreasonable about it. In this digital day and age where we are delivering more content via things like the NBN, we should be able to give our citizens the best of both worlds when we are delivering that content to them.

We also need a system that handles complaints properly. I feel very, very strongly about this. Why? Because people's reputations can be trashed on the front page of the paper. You will go through a long and complex complaints process, by which time your reputation has been damaged, only to find the apology is printed many, many, many pages back and many months later. There has to be a quicker turnaround than this. *(Time expired)*

**Senator JOHNSTON** (Western Australia) *(15:12)*: This is, undoubtedly, the most dysfunctional government we have ever seen, politically and administratively. It is more than a year ago that Mr Finkelstein did his report and provided the government with a path to media reform. The question must be asked by someone: what has this minister been doing for the last 12 months? What has he been doing? We know he has been doing a bit of skiing and other things. Is anybody surprised that when he pulled the pin on this grenade this was the result and that, when he sought to set up the public interest media commissar, there would be universal outrage? He seems the only one who is surprised. But I am sure that he is no orphan, because I think his Prime Minister is surprised. I look at Fairfax Media doing the reporting of yesterday's proceedings and they say:

Billionaire media mogul Kerry Stokes has accused the federal government of planning more oversight of the press than the Chinese government does as media moguls descended on Canberra to attack the media package.

And further: 'Media executives were united in their opposition to the proposed Public Interest Media Advocate, labelling the power of the position as unprecedented, far-reaching and direct government interference of the press.' Mr Stokes, who set up the *Shanghai Daily*, said, 'We didn't have to go through this to do that.' Greg Hywood of Fairfax Media said that the public interest media commissar will have seriously dangerous consequences for good government. They are just two senior media commentators.

What on earth was this minister thinking when he introduced this stuff—seriously loopy stuff, seriously out there stuff, seriously politically dysfunctional stuff. But all of that is matched by the level and quality of leadership he is getting from his Prime
Minister. There has never been an identification of the mischief. Why do we need this stuff? What is it all about? What is the legislation designed to cure or arrest? No-one seems to have any answer to this. I think it is actually criticism, because heaven only knows there has been enough criticism of this government on boats, with 34,000 people arriving since 2007. What a fiasco that has been. The mining resource rent tax—the tax that actually costs the taxpayers money—what a disaster, what a fiasco that has been. The carbon tax, the Malaysia solution, the East Timor solution—all of these are the creatures and children of this Prime Minister. We have Mr Graham Perrett conceding:

The Prime Minister's in more trouble than Indiana Jones.

And then we have an unnamed minister talking about a leadership move. He says, 'I can't see it not happening'. I think it is a logical, explained consequence of this crazy media reform at this time. It is an election year. You guys over there have really lost the plot. And this minister has tremendous form—why would you ride him into battle on this? He mucked up anti-siphoning, completely stuffed it up; his performance on NBN has been utterly hopeless; he tried to do an internet filter that was just laughed out of this chamber; and his interception of the Australia Network tender meant the whole thing cost the taxpayer probably $5 million or $10 million. He is one of the few ministers who can actually wear a medal for about $60 million of wasted cost in various tenders for the provision of internet services.

Ultimately, this dysfunctional government has to do something. This PM has got to go. She has got to go. I cannot see how this government can continue with this level of incompetence, but I am sure I will be surprised in the future.

**Senator GALLACHER (South Australia) (15:18):** I rise to make a contribution to this debate to take note of answers in question time. You have to say one thing: the opposition is consistent. They are consistent in deriding; they are consistently rubbing and putting down our side of politics. That is fair enough; that is their job. But the facts are that interest rates are now three per cent compared with 6.75 per cent when the Liberals left office. That means for a $300,000 mortgage there is a saving of $5,000 per annum—$5,000 per annum that a family is saving on their mortgage. We have delivered schoolkids bonuses of $410 for primary school children and $820 for high school children. There are 3.2 million pensioners who are better off—$172 for singles and $182 for couples. These are just a couple of the basic things that the Labor Party has delivered, that this Gillard Labor government has delivered.

We see this impending storm, or this continual storm, about the media bills. As I said yesterday, I do know people who are concerned about the way the media conducts itself and, when they get it wrong, what redress there is for the ordinary citizen. There must be a redress for the ordinary citizen who has been maligned or put into an invidious position by the media. That is what is really at stake here. No-one wants to stop the press from writing truthfully and faithfully about what happens, no-one is worried about politics. We here are all well able to defend ourselves either under parliamentary privilege or we can sue for defamation—we can do any number of things. But the average citizen in the street, if they are taken apart by a media event, what is their redress? The answer is: they can go to the Press Council, they can complain to the principals of the newspapers. Mr Finkelstein gave evidence this morning in a committee, and he said there is probably
room for improvement there. It is not the government that is saying there is room for improvement, it is the chair of the Australian Press Council who is saying there is room for improvement.

We have had a continual barrage from Senator Joyce. He rattles off that the BER is a waste of money. I have not experienced that. I have officiated at, I think, 18 or 20 BER ceremonies and each one has been a great community event, supported by the communities who support their schools. Each one that I have been to has been a resoundingly good use of public money in schools which have often been starved of capital investment, particularly in the electorate of Grey, which is one of the largest regional seats in Australia. I have not met a principal, a parent, a president of the governing council or a member of the community who has shared Senator Joyce's cynicism about the BER projects.

We have to touch on the NBN. We know that 73 per cent of Australians really support the NBN. We know it is a huge project. I cannot wait to get it past my house; I cannot wait to get the benefits of the NBN in my electorate office and also in my home. The opportunities that the NBN will provide are genuinely startling and will change the way we do any number of things, and most importantly could well improve the productivity of our nation.

I turn to the leadership speculation. We have had this speculation on and on and on. It is all designed, in my view, by those on the other side to draw attention away from the genuine achievements of this government. You cannot fudge the figures on interest rates: interest rates of around three per cent compared with 6.75 per cent when those opposite were last in office. On a $300,000 mortgage homeowners get savings of $5,000 per annum for their families. Those things you can eat. You can take them to the bank. People can clothe and feed their families with some of the savings delivered by this Labor government in one area alone—that is, in mortgage rates. That lot over there think they are the champions of delivering low mortgage rates. (Time expired)

Senator RUSTON (South Australia) (15:23): I too rise to take note of the answers given by Senator Conroy in relation to questions asked today in the area of his portfolio. Before I get to the communications and broadband portfolio I would like to comment on some things that Senator Gallacher said: 'The BER is a resoundingly good use of public money.' I find that quite an interesting comment. Maybe he would like to tell the people of Berry Bay in South Australia that it was a resoundingly good use of public money when they built their school shelter in a school that they moved out of about three months after it had been completed. The other thing Senator Gallaher said is he cannot wait to get the NBN 'past my house'. He referred to the electorate of Grey, which I assume he is a paired senator for, and that is fine for Senator Gallaher, who probably lives in the country. But what about the many people in Grey who will not be getting the NBN going past their houses?

I also draw attention to Senator Gallaher in relation to this constant suggestion that it is this side of the chamber, and only this side of the chamber, that is making any complaints in relation to the suite of media bills currently being debated. I have been sitting in the inquiries for the last two days and, apart from Mr Finkelstein, so far there has not been one person before us who has made any comment to suggest that they believe that this suite of bills is satisfactory. It seems odd that only the opposition is being castigated by the other side in relation to this.
The Australian media space is a highly regulated environment, and to a large extent that is a necessary thing. But it can only be regulated as long as it is regulated in a way that is beyond repute, is impartial, is transparent and so that it serves some benefit to society by being regulated. I would question the purpose of the increased regulation that is being proposed by this suite of bills and whether it is delivering much in the way of public benefit. This is probably not because there are no public benefits in there, but more because we do not seem to have terribly much information about the detail of what is being proposed. We have been given absolutely no time whatsoever in which to consider this suite of bills. I am afraid this does not give me a great deal of confidence.

Senator Pratt today alleged that the question about these bills showed that we support the misrepresentation of Australian citizens. I contest that by drawing this chamber's attention to the report published this morning on the website of the Joint Parliamentary Committee on Human Rights. This committee published some findings on its investigation into these bills. Article 25 of the International Covenant on Civil and Political Rights guarantees the right of citizens to participate in government through their elected representatives. This committee has suggested that this suite of bills has been pushed through with such extraordinary haste that we are breaching our human rights obligations to give the citizens of Australia the opportunity, through their elected representatives, to participate in this process.

The news media diversity reforms create a number of offences and civil penalty provisions. It is proposed that these offences are ones of strict liability. Once again, we talk about the human rights implications of this in that it says that strict liability offences allow for the imposition of criminal liability without the need to prove fault, and so engage and limit the right to be presumed innocent until proven guilty. Once again we have a human right that is being questioned by the method of implementation of this suite of bills.

The Public Interest Media Advocate Bill seeks further to corrupt basic human rights in the right not to incriminate oneself through the public interest media advocate's power to compel somebody to give information. Here we have a situation where a whole series of threats is being imposed on our human rights through threats to freedom of expression, threats to freedom of association, threats to freedom of speech, threats to the fundamental right to be innocent until proven guilty and threats to the freedom not to incriminate oneself. They are all potential threats to human rights encompassed in this suite of bills. (Time expired)

Question agreed to.

**COMMITTEES**

**Corporations and Financial Services Committee**

**Meeting**

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (15:28): by leave—I move:

That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question agreed to.

**BUSINESS**

**Leave of Absence**

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:29): by leave—I move:

That leave of absence be granted to Senator Boyce for 19 March 2013 for personal reasons.
Question agreed to.

NOTICES
Postponement
The following items of business were postponed:

General business notice of motion no. 1188 standing in the name of Senator Whish-Wilson for today, proposing the introduction of the Mutual Recognition Amendment (Northern Territory Beverage Containers and Plastic Bags) Bill 2013, postponed till 15 May 2013.

General business notice of motion no. 1195 standing in the name of Senator Hanson-Young for 20 March 2013, relating to funding for local sporting clubs, postponed till 21 March 2013.

General business notice of motion no. 1197 standing in the name of Senator Hanson-Young for today, relating to the Independent Snowy Scientific Committee, postponed till 20 March 2013.

NOTICES
Presentation
Senator Collins to move:
That, on Thursday, 21 March 2013:
(a) the hours of meeting shall be 9.30 am to adjournment; and
(b) the routine of business shall be:
(i) general business orders of the day for consideration of bills only for up to 2 hours and 20 minutes,
(ii) non-controversial government business only,
(iii) petitions,
(iv) notices of motion,
(v) tabling of Selection of Bills Committee report,
(vi) postponement and rearrangement of business,
(vii) consideration of reports under standing order 62(4),
(viii) consideration of the business before the Senate shall be interrupted at 12.30 pm to enable a motion relating to the National Apology for Forced Adoptions to be moved,
(ix) at 2 pm, questions,
(x) motions to take note of answers,
(xi) further consideration of business referred to in paragraphs (ii) to (vi), if not concluded,
(xii) formal motions—discovery of formal business,
(xiii) divisions may take place after 4.30 pm,
(xiv) any proposal pursuant to standing order 75 shall not be proceeded with,
(xv) from not later than 4 pm to 5 pm, statements relating to the imminent retirement of Senator Evans,
(xvi) from not later than 5 pm to 6 pm, consideration of government business,
(xvii) from not later than 6 pm to 6.30 pm, consideration of government documents,
(xviii) from not later than 6.30 pm to 7 pm, consideration of committee reports, government responses and Auditor-General’s reports,
(xix) consideration of general business under standing order 57(1)(d)(xi) shall not be proceeded with,
(xx) the question for the adjournment of the Senate shall be proposed at 7 pm or after the conclusion of business listed in paragraphs (xvii) and (xviii), whichever is the earlier, and
(xxi) the time limit for the adjournment shall be 40 minutes.

Senator Collins to move:
That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Tax Laws Amendment (2012 Measures No. 6) Bill 2012, allowing it to be considered during this period of sittings.

Senator Collins to move:
That, on Wednesday, 20 March 2013:
(a) the hours of meeting shall be 9.30 am to adjournment;
(b) the following government business orders of the day shall have precedence over all other business:
Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013

Television Licence Fees Amendment Bill 2013

Broadcasting Legislation Amendment (News Media Diversity) Bill 2013

News Media (Self-regulation) Bill 2013

News Media (Self-regulation) (Consequential Amendments) Bill 2013

Public Interest Media Advocate Bill 2013,

National Disability Insurance Scheme Bill 2013;

(b) the bills listed in paragraph (b) be considered under a limitation of time, and that the time allotted be as follows:

<table>
<thead>
<tr>
<th>Bill Description</th>
<th>Time Slot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill</td>
<td>commencing immediately to 2 pm and from not later than 4 pm to 6.15 pm—</td>
</tr>
<tr>
<td>2013 and related bills</td>
<td>all remaining stages</td>
</tr>
<tr>
<td>National Disability Insurance Scheme Bill 2013</td>
<td>commencing immediately after the preceding item to 7.30 pm—all remaining stages</td>
</tr>
</tbody>
</table>

and this paragraph shall operate as a limitation of debate under standing order 142;

(d) consideration of matters of public interest not occur at 12.45 pm;

(e) divisions may take place between 12.45 pm and 2 pm;

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

(g) consideration of government documents shall not be proceeded with; and

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

Senator Back to move:

That the Senate—

(a) notes that:

(i) the Education, Employment and Workplace Relations References Committee tabled its report, Higher education and skills training to support agriculture and agribusiness in Australia on 21 June 2012 with the support of the Australian Greens and without dissent of the Labor senators,

(ii) eleven recommendations were made relating to:

(a) encouraging a greater understanding by children and teachers in metropolitan and regional centres of the importance of agriculture to our community,

(b) cost effective delivery of post-secondary skills and higher education in Australia,

(c) options for more effective collaboration between institutions and their relationships with federal, state and other providers,

(d) the decline in public investment in research and development in agricultural activity, its association with productivity in the sector and the reduced emphasis on agricultural extension, and

(e) the establishment of a national peak industry representative body for agricultural production and agribusiness sectors, and

(iii) the Government failed to respond to the report by the required date of 23 September 2012, being 3 months from the tabling of the report, in accordance with standing order 42(1), and has still not responded some 6 months after the due date to respond; and

(b) calls on the Government to:

(i) apologise to the Senate and the agricultural community for its failure to respond in the timeframe required under standing orders, and

(ii) respond to the report and its recommendations without delay.

Senator Xenophon to move:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 3 June 2013:

The current framework and operation of subclass 457 visas, Enterprise Migration Agreements and Regional Migration Agreements, including:

(a) their effectiveness in filling areas of identified skill shortages and the extent to which they may result in a decline in Australia’s national training
effort, with particular reference to apprenticeship commencements;
(b) their accessibility and the criteria against which applications are assessed, including whether stringent labour market testing can or should be applied to the application process;
(c) the process of listing occupations on the Consolidated Sponsored Occupations List, and the monitoring of such processes and the adequacy or otherwise of departmental oversight and enforcement of agreements and undertakings entered into by sponsors;
(d) the process of granting such visas and the monitoring of these processes, including the transparency and rigour of the processes;
(e) the adequacy of the tests that apply to the granting of these visas and their impact on local employment opportunities;
(f) the economic benefits of such agreements and the economic and social impact of such agreements;
(g) whether better long-term forecasting of workforce needs, and the associated skills training required, would reduce the extent of the current reliance on such visas;
(h) the capacity of the system to ensure the enforcement of workplace rights, including occupational health and safety laws and workers’ compensation rights;
(i) the role of employment agencies involved in on-hiring subclass 457 visa holders and the contractual obligations placed on subclass 457 visa holders;
(j) the impact of the recent changes announced by the Government on the above points; and
(k) any related matters.

Senator Wright to move:
That the Senate—
(a) notes that:
(i) about 70 000 Australian Defence Force and Australian Federal Police personnel have been deployed on over 60 peacekeeping operations throughout the world, significantly contributing to international peace and security, and
(ii) more than 40 000 people signed a community petition calling for the 48 Australian peacekeepers who have died in service to receive equal recognition and be placed on the Roll of Honour at the Australian War Memorial; and
(b) commends:
   (i) the Australian War Memorial Council’s decision to recognise peacekeepers on the Roll of Honour; and
   (ii) the tireless work of advocates, including Mrs Avril Clark, Ms Sarah McCarthy and the Australian Peacekeeper and Peacemaker Veterans’ Association for their work on this matter.

Senator Rhiannon to move:
That the Senate—
(a) notes that:
(i) a spokesperson for the Minister for Infrastructure and Transport was quoted on 16 March 2013 as saying that the level of particulate matter emitted by coal trains was ‘not statistically significantly different to passenger trains’,
   (ii) the Australian Rail Track Corporation (ARTC), a wholly government-owned corporation, commissioned a Rail Corridor Air Quality Monitoring Study, ‘Pollution Reduction Program 4—Particulate Emissions from Coal Trains’ released in September 2012, which assessed the levels of particulate pollution on the Hunter rail corridor at Mayfield and Metford and concluded that ‘concentrations coinciding with loaded and unloaded coal train passes are statistically higher for PM10 than concentrations recorded during passenger train passes’ and that, ‘the PM2.5 concentrations that were recorded to coincide with freight, unloaded coal and loaded coal are statistically higher than concentrations recorded during passenger train passes’,
   (iii) the ARTC earmarked $3.525 billion to spend on upgrading the Hunter coal rail network in its ‘Hunter Valley Corridor 2012-2021 Capacity Strategy’, released June 2012, and
   (iv) there is a high level of concern about the health impacts of coal rail dust along frequently-used coal rail lines, such as communities along the Hunter Valley and Brisbane coal rail lines;
(b) acknowledges the inconsistency between the spokesperson’s comments that the difference between particulate emissions from coal and
passenger trains is not statistically significant and the findings of the ARTC-commissioned particulate emissions study; and
(c) requests that the Minister for Infrastructure and Transport (Mr Albanese) correct the comments or provide evidence to the Senate that proves the difference between particulate emissions from coal and passenger trains is not statistically significant.

Senator Waters to move:


Senators Madigan and Xenophon to move:

That the Senate—
(a) notes that:
(i) the Department of Immigration and Citizenship last published its monthly statistics regarding the number of people, including children, being held in detention in Australia on 31 December 2012,
(ii) those statistics stated that 59.8 per cent of children and unaccompanied minors were held in closed detention, and
(iii) in a joint media release and press conference held by the Minister for Immigration and Citizenship and the Prime Minister on 18 October 2010 they acknowledged that protracted detention can have negative impacts on children’s development and mental health, and stated that the majority of children would be moved to community detention by June 2011; and
(b) calls on the Minister representing the Minister for Immigration and Citizenship to:
(i) explain the department’s high December figure of 59.8 per cent of children held in closed detention,
(ii) explain the delay in publishing detention figures since 31 December 2012, and
(iii) lay on the table by noon on Thursday, 21 March 2013 documents from the Department of Immigration and Citizenship detailing the total number of people and the total number of children held in detention centres.

Senator Siewert to move:

That there be laid on the table by the Minister for Agriculture, Fisheries and Forestry, by noon on Monday, 8 May 2013, the final report of the review of the Commonwealth fisheries management legislation undertaken by Mr David Borthwick.

COMMITTEES

Law Enforcement Committee

Meeting

Senator McEwen (South Australia—Government Whip in the Senate) (15:30): At the request of Senator Nash, I move:

That:
The Parliamentary Joint Committee on Law Enforcement be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 20 March 2013, from 1 pm.

Question agreed to.

Public Works Committee

Meeting

Senator McEwen (South Australia—Government Whip in the Senate) (15:30): At the request of Senator Urquhart, I move:

That:
The Parliamentary Standing Committee on Public Works be authorised to hold a public meeting during the sitting of the Senate on Thursday, 21 March 2013, from 5 pm, followed by an in camera hearing, to take evidence for the committee’s inquiry into the Sydney Commonwealth Parliamentary Offices.

Question agreed to.

MOTIONS

Pope Francis

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (15:31): I, and also on behalf of the Leader of the
Opposition in the Senate, Senator Abetz, and Senators Brandis, Fierravanti-Wells, Stephens, Madigan, Back, Williams, Heffernan, Ryan, Cormann, Mason, Cash, Boswell, Bernardi and Humphries, move:

That the Senate—

(a) congratulates Argentine Cardinal Jorge Mario Bergoglio SJ on his election as the 266th Roman Catholic pontiff;

(b) notes that Pope Francis is the first Jesuit Pope, and not only is the first Pope from South America but the first Pope from outside Europe in over 1,000 years; and

(c) acknowledges Pope Francis' very strong commitment to social justice, as exemplified by his decision to choose his papal name in honour of St. Francis of Assisi.

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

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator JOYCE: It is obvious throughout the chamber on both sides that this a great day for those who are members of the Catholic Church and those who strongly follow what happens in the Catholic Church. This chamber, representative of the Australian Catholic community, recognises the new Pope, Pope Francis I, and wishes him all the very best. He seems to be an extremely decent man. He will obviously bring a stronger commitment to social justice. So far he has been received well. He has an immense job in front of him and he goes forward with all the good thoughts and feelings of the Australian people.

Question agreed to.

COMMITTEES

Rural and Regional Affairs and Transport References Committee Reference

Senator MILNE (Tasmania)—Leader of the Australian Greens) (15:33): I seek leave to amend business of the Senate notice of motion No. 1 standing in my name for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee of the Auditor-General's report on the Tasmanian Forests Intergovernmental Agreement Contractors Voluntary Exit Grants Program.

Leave granted.

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

That the findings of the Auditor-General's audit report No. 26 of 2007-08, Performance Audit Tasmanian forest industry development and assistance programs, and the Auditor-General's audit report No. 22 of 2012-13, Administration of the Tasmanian Forests Intergovernmental Agreement Contractors Voluntary Exit Grants Program, be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 6 May 2013.

Question agreed to.

Senator COLBECK (Tasmania) (15:34): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator COLBECK: It is really disappointing that we see the Greens using a process that should be utilised to look at the operations of the department and their compliance with their grant guidelines—through now, I see, two audit reports; Senator Milne obviously was not aware of the first one when she drafted her initial motion—to make an attack on the industry. That is what the Greens' tactic usually is: try and denigrate the reputation of the forest industry in Tasmania rather than do what we ought be doing, which is to look at the way that the government and particularly this agency is implementing its grant programs and then complying with the
recommendations of audits that come through. This is on a day when Tasmania has become the first Australian state where less than half of all adult men are employed full time and where last week Minister Crean said that the forest industry should die before the dairy industry gets some support. It is an absolute disgrace that we are supporting this motion. (Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:35): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MILNE: Senator Colbeck is quite wrong. The whole point of this inquiry is to look at how it is possible that the department, the advisory committee and the decision maker actually signed off on Commonwealth money leaving when people who applied had not been eligible and when people who got zero on a merit score between zero and 100 got grants. It is to look at how it is possible that these things happen. This has been one of my major campaigns for a long time, and I went over that original audit report for hundreds of questions. The issue is: why has the department mismanaged these grants? That is what I hope to get to the bottom of, as to how these decisions have been able to be made. In fact, it is supported by the contractors in Tasmania—they want the same answers.

BILLS

Health Insurance Amendment (Medicare Funding for Certain Types of Abortion) Bill 2013

First Reading

Senator MADIGAN (Victoria) (15:36): I move:

That the following bill be introduced: A Bill for an Act to amend the Health Insurance Act 1973, and for related purposes. Health Insurance Amendment (Medicare Funding for Certain Types of Abortion) Bill 2013.

Question agreed to.

Senator MADIGAN: 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 MADIGAN (Victoria) (15:37): I move:

That this bill be now read a second time.

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

Leave granted.

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

Leave granted.

The speech read as follows—

The purpose of this Bill is to remove Medicare funding from the abhorrent practice of abortion for sex selection. This practice has, for many years, attracted the attention of the international community to the tendency in many cultures to prefer a boy child over a girl child. Such a practice is prevalent in some cultures in particular where there is a cost burden associated with female children and where family size is forcibly restricted by a one-child policy. The enormity of this concern had been the subject of many discussions at the United Nations where five key agencies have joined in condemning the practice: Office of the High Commissioner for Human Rights (UNHCR), the UN Population Fund (UNFPA), the UN Children's Fund (UNICEF), the UN Entity for Gender Equality and the Empowerment of Women (UN Women) and the World Health Organization (WHO).

To suggest that this situation is confined to Asian or South East Asian countries is either
naïve or deliberately ignores the fact that this practice occurs in Australia and not only within migrant communities. There are documented cases of sex selection abortion in Australia not only for a preferred male child but for 'family-balancing'.

In the weeks since I announced my intention to move this Bill I have had contact from surprising people. I have had doctors offer evidence of this situation from within their own practice. Some of these doctors are pursuing the issue within their professional association, others lament that there is no recourse under present State laws to prevent abortion for sex selection. It is not illegal to have an abortion on the basis of the sex of the foetus. The law does not require women to give a reason for abortion.

Interestingly, it is illegal for couples to select the sex of the child when undergoing IVF—except for some medical circumstances. It is, however, common for sex-selection for 'family-balancing' to be requested by IVF patients. So far this has not received ethical approval anywhere in Australia, but there are many documented cases of Australian couples travelling overseas for IVF so that they may select the sex of their child. Again, I have evidence that requests for sex-selection to IVF ethics boards are growing, and many are concerned that these same couples may be resorting to sex selection abortion when their requests are denied.

It is obscene and offensive to suggest that the gender of a child can be its death sentence; that we select our own children on the basis of gender. As Australian families have shrunk, the pressure to have one of each has increased. Children are no longer a unique gift in themselves but are increasingly expected to conform to designer standards. Accessories to complete our chosen lifestyle—just check out the latest pregnancy magazines on your newsstand.

The problem of sex-selection abortion has been the subject of serious and ongoing discussion amongst doctors in Canada, the United States and in the United Kingdom. The American Association of Obstetricians and Gynaecologists takes the issue seriously. The Canadian Medical Journal has carried numerous articles over the last twelve months discussing the best methods for controlling the problem.

To suggest that it does not happen in Australia, as some of my colleagues in this place have done, is an exercise in deliberate avoidance of the issue or to have some bizarre view that Australians are morally superior to the rest of humanity.

Sex-selection abortions do happen in this country. That they happen is of deep moral abhorrence. It is something we should not tolerate under any circumstances. That a child will be destroyed if it is not of the desired gender is obscene. In an era when we claim equality for women and men, it is even more scandalous. Human beings are valued for their dignity as human persons. If having a boy to 'carry on the family name' is out-moded then so too should we shun the pressure for our children to be complementary book-ends. Sex-selection abortion is a further means of entrenching sexual prejudice and devaluing the human person.

This Bill aims to remove any government sanction to these abhorrent practices of abortion for sex selection.

Senator MADIGAN: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MOTIONS

Iraq

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:38): I move:

That the Senate—

(a) notes that:

(i) it is 10 years since the United States of America (US) led the invasion of Iraq,

(ii) the British non-government organisation, Iraq Body Count, estimates about 162,000 people, almost 80 per cent of them civilians, were killed in Iraq from the start of the 2003 US-led invasion, up to the withdrawal of American forces in 2012, and

(iii) in sending Australian troops to Iraq in 2003, the Howard Government was the first government in Australia's history to go to war
without the support of both Houses of Parliament; and

(b) calls on the Government and the Opposition to:

(i) support the Australian Greens’ Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010 [No. 2] which would require parliamentary approval of overseas service by members of the Australian Defence Force, and

(ii) support an independent inquiry into the reasons behind Australia’s participation in the invasion.

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

The Senate divided. [15:42]

(The Deputy President—Senator Parry)

Ayes......................10
Noes......................41
Majority................31

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

NOES
Back, CJ
Bernardi, C
Bilyk, CL
Bishop, TM
Brown, CL
Bushby, DC
Carr, KJ
Cash, MC
Colbeck, R
Collins, JMA
Crossin, P
Eggleston, A
Evans, C
Farrell, D
Feeney, D
Fifield, MP
Furner, ML
Gallacher, AM
Kroger, H (teller)
Ludwig, JW
Lundy, KA
Macdonald, ID
Madigan, JJ
Marshall, GM
McEwen, A
McKenzie, B
McLucas, J
Moore, CM
Parry, S
Polley, H
Pratt, LC
Ruston, A
Ryan, SM
Singh, LM
Smith, D
Siewert, R (teller)

Question negatived.

Public Interest Disclosure

Senator LUDLAM (Western Australia) (15:45): I move:

That the Senate—

(a) notes:

(i) the resolution of the Senate of 22 November 2012, That the Government was to fulfil its 2007 election commitment and introduce a public interest disclosure bill into the Parliament in the first sitting week of 2013, and

(ii) that this resolution has not been complied with and, to date, there is still no listing of the public interest disclosure bill; and

(b) calls on the Government to:

(i) provide an explanation as to whether it will deliver on its 2007 election commitment, and

(ii) introduce legislation within the current Parliament that would comprehensively protect whistle-blowers across the entire government sector.

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

The Senate divided. [15:47]

(The Deputy President—Senator Parry)

Ayes......................11
Noes......................37
Majority................26

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

NOES
Sterle, G
Thistlethwaite, M
Thorp, LE
Urquhart, AE
Williams, JR
I move:

That the Senate—

(a) notes that:

(i) Cape York’s Quinkan region is home to rock art galleries and cultural sites of great cultural significance, with some sites dated to 30,000 years old,

(ii) much of this art and cultural heritage is not adequately protected and is open to mining exploration activities, and

(iii) the traditional owners of the Quinkan region want the Quinkan rock art galleries and surrounding cultural landscapes fully protected from mining exploration and other destructive activities, and support its inclusion in a World Heritage nomination for Cape York Peninsula; and

(b) calls on:

(i) the Queensland Government to refuse any mining exploration in the Quinkan rock art galleries until the area is declared a World Heritage Area, and

(ii) the Federal Government to step in to protect the Quinkan rock art galleries and surrounding cultural landscapes from all mining activities, until the area is declared a World Heritage Area in accordance with the wishes of the traditional owners.

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

The Senate divided. [15:50]

(The Deputy President—Senator Parry)

Ayes

..........................9

Bilyk, CL
Brown, CL
Carr, KJ
Colbeck, R
Crossin, P
Evans, C
Fifield, MP
Gallacher, AM
Ludwig, JW
Macdonald, ID
McEwen, A
McLucas, J
Parry, S
Pratt, LC
Ryan, SM
Smith, D
Sterle, G
Thorp, LE
Williams, JR

Noes

..........................37

Bishop, TM
Bushby, DC
Cash, MC
Collins, JMA
Eggleston, A
Feeney, D
Furner, ML
Kroger, H (teller)
Lundy, KA
Marshall, GM
McKenzie, B
Moore, CM
Polley, H
Ruston, A
Singh, LM
Stephens, U
Thistlethwaite, M
Urquhart, AE

Majority

..................28

AYES

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

NOES

Bishop, TM
Bushby, DC
Cash, MC
Collins, JMA
Eggleston, A
Feeney, D
Furner, ML
Kroger, H (teller)
Lundy, KA
Madigan, JJ
McEwen, A
Moore, CM
Polley, H
Ruston, A
Singh, LM
Stephens, U
Thistlethwaite, M
Urquhart, AE

Question negatived.

Quinkan Rock Art Galleries

Senator WATERS (Queensland) (15:49):

Mr Deputy President, I seek leave to make a short statement.
The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator WATERS: I would like to first acknowledge the presence in the public gallery of some traditional owners from the cape. It is their homelands that will be affected by Gina Rinehart’s application to mine these ancient Indigenous rock art galleries, some of which are more than 30,000 years old. In a motion that has been worded to call on this federal government to do everything it can to protect these rock art galleries—which the traditional owners want to be protected under a World Heritage listing that has not yet been delivered—I think it is a craven shame that this chamber is not lifting a finger to express its concern and its desire to protect these ancient cultural sites. I would just like to apologise to the folk in the gallery for the result today and let them know that the Greens are behind them and we do not give up.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (15:54): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator McLUCAS: Thank you, Mr Deputy President. I too acknowledge my friends and the people from Cape York who are joining us here in the chamber today. I also indicate to the chamber that it would be very terrific if people could join with us this evening to have a conversation about what we need to do to work collaboratively together to ensure that we do get a World Heritage outcome for Cape York Peninsula. In saying that, I do say that this is not the way—to use notices of motion—to resolve complex and difficult issues. I distance myself from the actions of the Greens today to use a simple mechanism in the Senate to make a political point when in fact what we are trying to do is very complex.

Senator IAN MACDONALD (Queensland) (15:55): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator IAN MACDONALD: It is good to see people from Cape York in the chamber, and they are always welcome. I well remember how the Labor Party’s wild rivers legislation would have impeded the future development projects of the people who live in the Cape. Of course, the natural heritage proposal is one that there is little detail on and we do not know whether that will impede upon the future of Indigenous people. Can I also say in relation to the specific motion—and I agree with Senator McLucas that this is not the right way to do it—that my reading of newspapers indicated that Ms Rinehart had quite forcefully said that, if there were any mining in that area, these very valuable and ancient rock paintings would not be in any way impacted upon, and I think it is disingenuous of the Greens to make statements in this chamber suggesting to the contrary.

Whales: James Price Point

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:56): I move:

That the Senate—

(a) notes that:

(i) a recently released community survey of humpback whales recorded a minimum of 2 669 individual whales, including cow-calf pairs, passed within 8 km of the James Price Point shoreline, which exceeds the 1 000 whales that the Western Australian environmental assessment process estimated would pass, and

(ii) the research recorded that the whales engaged in resting, milling, playing and slow swimming behaviour close to shore, and that
some humpback whales are born in the area and use it for vital first interactions; and

(b) calls for the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to:

(i) commission more extensive and thorough research into the use of the James Price Point area by humpback whales so that the potential impact of the proposed gas hub development can be adequately assessed, and

(ii) examine the Browse gas hub proposal in light of its impact on humpback whales.

Question negatived.

MATTERS OF PUBLIC IMPORTANCE

Northern Australia

The ACTING DEPUTY PRESIDENT (Senator Bernardi): I inform the Senate that, at 8.30 am today, Senators Fifield and Siewert each submitted a letter in accordance with standing order 75 proposing a matter of public importance. The question of which proposal would be submitted to the Senate was determined by lot. As a result, I inform the Senate that the following letter has been received from Senator Fifield:

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

The lack of any plan by the Gillard Government for the sustainable development of Northern Australia.

Is the proposal supported?

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

Senator IAN MACDONALD (Queensland) (15:58): Northern Australia constitutes something like three million square kilometres. It has approximately one million people, of which I am very proud to say that I am one. Two other people from our side are joining me in this debate today: Senator Eggleston, who has spent most of his life in Northern Australia and is an expert on the north of Western Australia and Northern Australia generally, as a very distinguished former mayor of Port Hedland; and Senator Bill Heffernan who, whilst he does not live in Northern Australia, could well do and indeed knows more about Northern Australia than practically anyone else in this chamber, through, amongst other things, his very successful and very visionary leadership of the Northern Australian Land and Water Taskforce set up by the Howard government.

Out of Northern Australia comes some $96 billion worth of exports via seaports, and that constitutes about 54 per cent of Australia’s total. More than 636 million tonnes is exported from seaports in Northern Australia, and that represents some 74 per cent of the national exports via seaports.

And what are the big exports from Northern Australia? They are minerals and beef cattle. Have a look at what Labor has done to the minerals industry and the beef cattle industry, two industries significant in Northern Australia brought to their knees by the actions of the Gillard and Rudd Labor government. The imposition of a mining tax does more to chase away investment that is so needed in Northern Australia to unlock the wealth that is there.

Senator Sterle: Rubbish! You are a liar. What a load of crap!

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order! Senator Sterle.

Senator Heffernan: Could I plead with Senator Sterle. He can talk like that to me, but he cannot go around calling someone in the chamber a liar.

The ACTING DEPUTY PRESIDENT: Resume your seat, Senator Heffernan. Senator Sterle, I will caution you about your language. It is inappropriate in the Senate
and I would ask you to withdraw your imputation and your reflection on Senator Macdonald.

Senator Sterle: Being a liar, okay, I withdraw that, Mr Acting Deputy President, for now.

Senator IAN MACDONALD: It simply shows Labor's approach to Northern Australia. Here they are, setting out to destroy the industry that comes from Northern Australia that contributes so much to Australia, and what do you get from the Labor Party? name-calling, childish, bully schoolyard actions of calling people names. Names do not worry me at all, I have to say, Senator Sterle. Go your hardest! It will not alter the fact. Ask anyone in the minerals exploration industry or in the mining industry—things are being placed on hold. The only reason that there is a slight confidence in the minerals industry is that most international miners can read the opinion polls the same as Australians can, and they are hoping with bated breath that there will be a change of government later in this year. Why? Because we will get rid of the minerals tax that does so much damage to Northern Australia but, on the other side, raises no money for the Australian people. Only Labor could do that, but the thought, the sovereign risk threat of this and other initiatives, like the carbon tax, all show impacts on costs of living particularly in Northern Australia.

Let us move on to beef cattle. Here we had a very successful industry in Northern Australia. Northern beef cattle are not quite the quality of southern beef cattle, but they had found a niche market. There was a very significant trade to Indonesia from Northern Australia. It was booming. It was increasing. People had invested a lot in it. And what happened? The Labor government came along and, without even 24 hours notice either to the industry or to the Indonesians who relied on that food, they banned the export of cattle to Indonesia. So through a couple of actions, the Labor government has clearly imposed upon Northern Australia initiatives which will not help with the development.

That is what this discussion today is all about. There is no plan by the Labor government about the north. Indeed, I refer senators to the estimates of 12 February 2013 when a Labor senator was silly enough to ask some officials about the Labor Party's plans for Northern Australia. I urge people to have a look at pages 104-106. Do you know what it is all about? There is a strategy about this, a committee about that, a forum about something else, an investigation about something. Nowhere in those three pages is there any action. In fact there is very little money, and the little money that was put forward, is all for more studies, more forums, more meetings, more gatherings, more talkfests—but no action.

I am pleased to say that after years—decades—of dillydallying by Labor governments both at Queensland and federal levels, the new Campbell Newman government came into power and within six months was actually allocating water out of the Flinders River. They were doing things that Labor governments state and federal had talked about for decades. Labor across the board will have more investigations, more studies, more analyses, more forums, more talkfests—but no action whatsoever. By contrast, the coalition will have a plan for Northern Australia, and that plan is in the final stages of its release. It relies on and pays tribute to the natural and people assets of Northern Australia. It actually builds upon those natural assets.

Most irrigated agriculture in Australia of course occurs around the Murray-Darling
Basin in southern Australia, but regions in Northern Australia record almost twice as much as their average annual rainfall. This rainfall could be put to more productive use without compromising the environment. The surface rainfall in Northern Australia is almost 152,000 gigalitres, of which currently only six per cent is used. To put that in perspective, I indicate that the total water use is about 12,200 gigalitres in Northern Australia and the run-off is 152,000 gigalitres. So there are clearly opportunities there.

But it just does not go to producing food and finding and exporting more minerals—and processing, I might say, more minerals. In Northern Australia we have a particular advantage because of our proximity to Asia. We have a very skilled workforce. We have some of the best universities in the world and, certainly, universities in the tropical part of the world, that lead the way in many areas of science. We have an expertise in health and research, and not just research into human health but also into animal health and into our natural biodiversity that is world class. Bearing in mind that more than a third of the world is in tropical areas, these assets should be more productively used.

These are just some of the advantages that we have in Northern Australia which under Labor have been ignored or, worse still, seriously undermined by taxes on the mining industry and practical destruction of the Northern beef cattle industry. I can understand why Labor is not interested. There are not many members of parliament up there—eight in the upper house, of which I am proud to say nearly all are members of the Liberal or National parties. There are only a couple of senators—Senator Scullion is one from the coalition. There are not many voices up there, but, for the coalition, this is not about votes. It is not about political popularity. It is about doing things for Australia that can be done on the basis of the natural assets and people assets of the North.

As with so many other things, the Labor Party has no plan. They work from day-to-day. They make promises that they think will be useful and then break them with impunity. They have no interest in Northern Australia. They know there are few votes there for them. I and all of us in Northern Australia look forward to the day we have a government that takes a real interest in the sustainable development of the North.

Senator CROSSIN (Northern Territory) (16:08): It is not often in this place that you can walk in and get a basketball lobbed right through the middle of the net for those of us who come from Northern Australia. When I saw the MPI today, I thought: 'Wow, an opportunity for my colleagues such as Senator Sterle and Senator McLucas to talk about what is happening in Northern Australia—bring it on!' If there is one great story that we have to talk about over the last five years of the Labor government, it is about the financial investment, the hard work that has been put in by ministers in this government and the absolute spotlight that has been put on Northern Australia in this country. I only have about nine minutes left so I am going to have to hand it over to my colleagues to continue this, but there are so many terrific things happening up there. I will try to go through some of them. I will concentrate on what is happening in the Northern Territory.

I do not want to criticise your contribution, Senator Macdonald. I know you probably spend most of your time gazing at the ocean from the east coast of Queensland, but when you actually jump across the border into the Northern Territory and you have a look at the concentrated effort that has gone into building the Northern Territory, its natural resources, its
education hubs, its medical hubs, its infrastructure and its support for diverse industries, I think the work that has gone on in the last five years has been absolutely spectacular.

There are a number of particular ministers to whom this credit is owed: Nicola Roxon, Minister Ferguson and Simon Crean. I start with Simon Crean. When the former Howard government came into power they abolished the Office of Northern Development. When we came into power in 2007, we re-established that—a one-stop-shop so that northern development and Northern Australia could get back on its feet again and have a place where it could go for advice, for support, for ideas and for innovation. So in 2008 we established the Office of Northern Australia. It has been able to provide a focus on sustainable economic development in Northern Australia. As a result of that, $6 million has gone into the Northern Australia Sustainable Futures program, which was announced in August 2010 to address key challenges in the development of the North.

Out of that we have the establishment of the Northern Australia Ministerial Forum, which has now met five times. It has included ministers from conservative governments in Queensland and WA, the previous Labor government in the Northern Territory and now the Country Liberals. It has met in Darwin, Port Hedland, Mt Isa, Alice Springs and Kununurra and is due to meet again in Cairns. Out of that we have experts groups like the Northern Australia Indigenous Experts Forum on Sustainable Economic Development, chaired and led by Pat Dodson and Peter Yu. What is it doing? It is bringing together Indigenous experts from across the North. It has drafted a framework for Indigenous participation in Northern economic development based around the theme of 'resilient communities through reliable prosperity'.

There is also the expert advisory panel—a panel of experts who have knowledge in the industry and in the habitat of what is happening in Northern Australia. The panel consists of 30 academic and industry experts coordinated by Dr Andrew Johnson from the CSIRO. What is it doing? It is looking at opportunities and challenges in emerging markets for carbon. Out of that we have the Aboriginal Carbon Fund, which has been established in Alice Springs under the umbrella of the Central Land Council, which is moving ahead in leaps and bounds in providing alternative industry for Indigenous people in respect of carbon pricing, carbon marketing and the emerging market that we see under climate change.

That is what is happening in terms of actually getting together some expert advice, looking at what needs to be done in Northern Australia and capitalising on Indigenous knowledge and Indigenous expertise to see how Northern Australia can work side by side with Indigenous people and make use of their knowledge and expertise to provide some decent economic development and outcomes for these people.

If we have a look at what else has happened in the North, there is the Ichthys LNG Project. This has got to be one of the most substantial outcomes in terms of the future of this country, let alone the Northern Territory. This is a $34 billion gas plant and project that will be based in Darwin and harvest gas off the coast of Western Australia. It is the second largest industrial program to have ever been signed up to in this country.

**Senator Ian Macdonald:** What did the Gillard government have to do with that?

**Senator CROSSIN:** I will take that interjection, Senator Macdonald. You say, 'What did the Gillard government or the Rudd government do to secure this? I put it
to you that I know personally that Minister Martin Ferguson and his department worked day-in and day-out. They undertook many trips to Japan and had many discussions convincing this operator based in Tokyo that it should in fact, first of all, look at Australia and look at Darwin in which to base this gas hub. This is of enormous benefit to Northern Australian. It was a major project that was facilitated through the Department of Infrastructure and Transport and through Minister Ferguson's department. Undeniably a lot of hard work went into this project in order to get it to go ahead.

The Ichthys major project facilitation status was granted by this government. Let us not underestimate this. We are talking about a $34 billion infrastructure and export market in relation to gas here. We are talking about the employment of more than 3,000 people. We are already talking about 700 people being employed during the operation phase of this and additional jobs being created during the offshore construction. Already JKC have a shopfront established in Darwin Mall. They are recruiting people right now to try and get the workers village built and established in rural Darwin, and from there the major LNG plant will be established. That is what this government has done for Northern Australia. It has secured the second largest ever infrastructure in gas and gas hub in this country. That is what we have been doing.

Hand in hand with that, we have worked with the INPEX project to encourage Larrakia Development Corporation to get on board with the local Indigenous people. This is not just about a Japanese company coming to Darwin and setting up and creating jobs for 3,000 people. This is also about the work that has gone on behind the scenes ensuring that INPEX and the Japanese consortium provide employment opportunities for Indigenous people. It does not happen without a plan, it does not happen without a vision and it does not happen without hard work either.

The other thing I want to talk about quickly is the infrastructure that we have put in places like Darwin to grow and create our own doctors. The Flinders Medical School has been established at Charles Darwin University. Last year, for the first time ever, this government purpose-built a facility so that people in Northern Australia and particularly in the Northern Territory could train in Darwin to become doctors. We know that if you train in Darwin to become a doctor you are highly likely to stay in Darwin and undertake your work there as a doctor. We have put a lot of effort and emphasis into training and recruiting our own so that the number of doctors we have in Northern Australia increases because we are training them locally.

Finally, I just want to talk about our plan to put more health infrastructure in Darwin and Palmerston and our commitment to build a $70 million hospital in Palmerston, in one of this country's fastest-growing cities. Even today in the NT News we have a headline 'Plan to move Royal Darwin' about the CLP and the hospital. They plan not to replace it but to knock it down and to try and build a new one out in Palmerston. Such foolishness shows to me that the Liberal Party and the Country Liberal Party have really no vision for the growth and the expectations of the people in Darwin and Palmerston. If you think you can simply relocate the Royal Darwin Hospital, move it out of the infrastructure and the grounds that it is on, move it away from the oncology unit, move it away from the private hospital and try and create some megastructure in 10 years at $3 billion cost, you have no plan. (Time expired)
Senator EGGLESTON (Western Australia) (16:18): As Senator Macdonald says, I have spent a long time in the north. I went to live in Port Hedland in 1974, which is a while ago, so I do have some experience of the north and the issues that it faces. I must say that never before have the circumstances been so opportune as to warrant the serious promotion of and support for sustainable growth across Northern Australia. But, sadly, the Gillard government is not capitalising on these opportunities.

The vast region north of the Tropic of Capricorn covers almost three million square kilometres and is Australia's gateway to the Asia-Pacific century. This government is simply not grasping at the opportunities that it represents to be taken up and exploited. In fact, the Gillard government is absolutely no friend of regional Australia or of Northern Australia. If it were it would not have closed down the live cattle industry, which is so very vital to the economy of all three northern jurisdictions: the Northern Territory, North Queensland and the north of Western Australia. The live cattle industry, as we all remember, was closed down overnight in response to a single television program which, it seems, exaggerated a situation. There is no doubt that the closing down of the cattle industry which followed the banning of live cattle exports to Indonesia has had a devastating effect on both northern families and our international reputation.

But the real importance of the North and its potential in agriculture at least is that the north of Australia could be the food bowl of Asia. That is a great opportunity that should not be missed.

Senator McLucas interjecting—

Senator EGGLESTON: I see Senator McLucas shaking her head which is what I would expect, sadly, from a person from a government that has no vision.

Some 60 per cent of Australia's rain falls north of the Tropic of Capricorn and this means that the north, as I said, has the potential to become a vast food bowl for the Asian region. Asia is just over the horizon from the north of Australia. Port Hedland is closer to Denpasar than it is to Perth; from Broome it is even closer and from Kununurra, where there is a great deal of irrigated agriculture, the hop over the horizon to Jakarta or Singapore to sell horticulture freighted in by air is not very hard to see as a great opportunity for future development.

Although we have 60 per cent of Australia's rainfall in the north, we capitalise on less than two per cent of it. The iconic Ord River scheme in my home state of Western Australia—set up, I must say, by the Menzies government back in the 1960s—is a great example of what can be done in the north of Australia. Already, in Kununurra there is a plan to extend the Ord River irrigation area into the Northern Territory, and they plan to grow sugar there which will be exported to Asia. It is a very, very important precedent, which could be followed in other areas around the north of Australia. The CSIRO has concluded that five to 17 million hectares across northern Australia are potentially suitable for a variety of agricultural purposes on account of arable soil. And yet this government is doing almost nothing to capitalise on that potential.

The Northern Australian Land and Water Taskforce, set up by the previous coalition government, was designed to explore the opportunities in the north. Both Senators MacDonald and, I think, Heffernan were on that. This process, however, was nobbled by the Rudd government; it was restricted in its scope and is shaped by the ALP government.
by influences which were not supportive of further growth in the north of Australia. For instance, it was not asked to look at opportunities for new surface water storages. In addition, the recent National Food Plan, released by Senator Ludwig, was a document devoid of any real vision, and ignorant of the potential of the north. It is little wonder that it sank without trace.

Australia has remained a net food exporter for well over a century, producing enough food currently to feed 60 million people, and our agricultural technology, moreover, helps feed some 400 million people. One simple statistic which is very important to the north of Australia is that the OECD report *The emerging middle class in developing countries* sets out in stark terms the economic potential that lies ahead for Australia and Asia. It shows the extraordinary projected growth of the middle class in Asia and the Pacific. In 2009, the region accounted for 28 per cent of the global middle class, or 525 million people. By 2030 that figure is expected to increase by 66 per cent to an incredible 3.2 billion people. Europe will be a distant second, with 14 per cent of the world's population.

Over this same period, the middle class in Asia is expected to have a surge in spending power from $4.9 billion currently to $32.5 billion by 2030. By 2020, more than half the world's middle class will be in Asia, and Asian consumers will account for 40 per cent of the global middle class. These people will need to be fed, and northern Australia has the opportunity of providing food to these people.

Senator Macdonald and others have talked about the mining industry, which is also very important in the north of Australia, and one has to say that the Gillard government's mining and resources rent tax, which has increased Australia's sovereign risk, is certainly not doing anything to encourage development in northern Australia and to provide jobs for the local people.

Senator Crossin has talked about Indigenous people, and of course the Indigenous people of the north are probably the poorest of the Indigenous people in Australia. Many of them live on stations and outstations. They lack education, they have health problems which need to be addressed and they often have a sense of despair about the future that lies ahead of them. What we need to do is create jobs for them in the mining industry and in agriculture. But if they had to rely on the Gillard government to provide jobs in these sectors then nothing would change for them, because under the Gillard government, and the ALP in general, nothing is going to be done to promote agriculture or to promote mining in the north.

One of the great opportunities which also exists in the north is tourism. Tourists from around the world come to areas which are different, and the part of Australia that is different is the north of Australia—from northern Queensland and the Barrier Reef through to the Northern Territory and the Red Centre and on into the Kimberley, with the Bungle Bungles, down into the Pilbara with the Wittenoom area and the gorges there, to Exmouth and the Ningaloo Reef. There is great potential for tourist development. There has not been a word from the ALP about setting up a task force to promote tourist development in the north, simply because I think they lack the imagination to see that great potential.

The north is a land of enormous potential. There are great prospects there in agriculture, great prospects in mining and great prospects in tourism; and there is a great need to improve the lot of the Aboriginal people. None of this is going to be happening under
the Gillard government because they simply do not have the vision to see the potential which the north offers.

Senator STERLE (Western Australia) (16:29): I really do look forward to contributing to this debate today on the MPI. When I saw it on the Notice Paper this morning, I thought it was a joke. I thought it could not be possible that the Liberals would gift us this fantastic opportunity to talk about what great stuff we have done in the north. But before I do, I want to talk about being called to apologise because I called Senator Macdonald a few things, which I retracted in this chamber. It did hurt me to have to retract them because I still stand by them. I will have a fight with anyone in here on any issue—hang on, I probably should not say 'have a fight' or I will get sooks from the House of Representatives, like Dennis Jensen, saying I am threatening to bop them. I should say that I am happy to have a debate.

One thing I cannot cop and will not cop is senators on that side blatantly telling lies. That happened earlier today at the start of this conversation. When I hear Liberal senators—look, this is cruelty to dumb animals; it really is having to listen to some of the fibs coming out here—

The ACTING DEPUTY PRESIDENT (Senator Edwards): Order, Senator Sterle!

Senator STERLE: and I am not talking about people in the chamber; I am talking about myself—

The ACTING DEPUTY PRESIDENT: Senator Sterle, you will have to withdraw that imputation.

Senator STERLE: Which one—the 'dumb animals'? I was talking about myself.

The ACTING DEPUTY PRESIDENT: If you could do all of them, that would be good.

Senator STERLE: I will. I withdraw them. Let us get back to the fibs or the nontruths that are being told in this chamber. I hear Liberal senators carry on about the poor mining industry that is going to be shackled and not invest in mines in Australia because if they dare get $75 million of profit they may have to pay the minerals resource rent tax. What a load of bollocks! If that is incorrect parliamentary language, I withdraw that. What a load of rubbish to whinge and carp because they may have to pay a tax after they earn $75 million of profit.

Let us get back to what we should be debating. We should be debating the truth. I will debate the truth, unlike some on that side—and one of them is still in the chamber. Before I do talk about the great stuff that the Gillard Labor government has done in the north I want to take this opportunity to congratulate a very good friend of mine Josie Farrer. Josie is a very highly regarded Gidja woman from Halls Creek. Josie was a very well respected shire president. Josie won the seat of Kimberley in the last state election. It is fantastic to see an Aboriginal woman being replaced by another Aboriginal woman in the Kimberley. It was tight for a while there. Have no doubt, there was a four-way contest. In the end Josie had a resounding victory. So all good to Josie and all good to the Aboriginal people in the Kimberley.

This gift from Senator Fifield is about the north, but I want to talk about the Kimberley. I want to talk about the East Kimberley Development Package that was negotiated between the federal government under the leadership of the Hon. Gary Gray as the parliamentary secretary for northern Australia and the Hon. Brendon Grylls, who is a member of the National Party, in his role as regional development minister in the Barnett government. The federal government tipped in some $195 million and the state government tipped in some $221 million I
think. Let us have a look at what it has delivered to the Kimberley.

I have the greatest respect for Senator Eggleston. Sometimes Senator Eggleston can wander off a little bit on some of the mistruths about the mining industry and how bad they are going to go if they have to pay a tax on their profits, but I will forgive Senator Eggleston because he is, was and should be highly regarded in the Pilbara. As I have said before, Senator Eggleston and I have a lot in common: he used to deliver babies to the Pilbara and I used to deliver furniture, but no-one ever congratulated me!

Let us look at this $195 million package. It delivered $54 million to the Kimberley for health. I want to let the Senate know of some of the things that were delivered under this fantastic package. There was $20.5 million for the Kununurra hospital expansion. There was $3.4 million for the refurbishment of the Wyndham health facilities. There was $5.1 million for the short-stay patient accommodation in Kununurra. The residential rehabilitation facility in Wyndham got $3.2 million. There was $4.5 million for remote aged-care services. Then there were a few remote clinics in Kalumburu and Warmun. If you do not know the Kimberley, Warmun is on the blacktop, but Kalumburu, goodness me, is not. That is a fantastic achievement right up the top there. There were environmental health measures in Kalumburu and Warmun as well. It has also delivered health service provider housing in Kununurra to the tune of $6.8 million. That is a fantastic initiative.

For education and training $64 million was delivered. What did it build? It built the Wyndham Early Learning Activities Centre. That is fantastic. It built the Warmun Early Learning Centre. There were Kununurra school precinct upgrades and expansions—to the primary school, the high school, the community library and teacher training—to the value of no less than $48.9 million. While we are on education, there was the Kimberley TAFE upgrades in Kununurra and Wyndham of another $10 million.

Then we go to housing. There are those of us who have an interest in remote and rural Australia and achieving everything we can to close the gap in Indigenous communities. Under this program there was $46 million for housing. There was social housing in Kununurra and Wyndham and there was transitional housing in Kununurra to the value of $46 million. I had the pleasure of accompanying Mr Ian Trust from the Wunan Foundation. Mr Ian Trust is a wonderful human being. Ian is also a Gidja man. Ian heads up the Wunan Foundation. Part of their dream is to provide transitional housing for Aboriginal people. He proudly took me around and showed me the transitional housing project and we met and talked with young people and working couples in Kununurra and Aboriginal people who for the first time in their life actually have a house, somewhere they can call home. It is a magnificent achievement and a fantastic outcome from a very good project under the Gillard government.

In transport some $15 million has been spent. I know under the guidance and leadership of Senator Heffernan the Senate Rural and Regional Affairs and Transport References Committee will be in the Kimberley in a couple of weeks time. We will be proudly showcasing the Kimberley and the improvements that have been achieved because of the federal government and the state government working cohesively together. There has also been $16 million of community spending for sports facilities, swimming pools and art centres. This is wonderful stuff.
I am not the only one who thinks that the East Kimberley Development Package is a fantastic thing. Mr Brendon Grylls was the regional development minister in the Barnett Liberal government. I do not know Brendon enough to share a couple of beers and have a few bets on a Saturday with him, but I have met Brendon on a number of occasions and I can say is that he is committed to rural and regional Australia, particularly the north. Mr Grylls made these remarks at the opening of the new Ochre Health Centre in Kununurra on 22 November 2012, and he was with our federal regional development minister, Simon Crean. I know Simon has a passion for the north, being the Pilbara and the Kimberley. How do I know? Because he came up with me on no less than two occasions in the last six months. He has had a commitment to the Kimberley and the Pilbara for many years. This is what Mr Grylls goes on to say—it is part of his speech and I am quoting him:

Politics is sometimes tough but this should be a huge celebration for the Federal Labor Government to have come to your community and essentially rebuilt it.

Mr Grylls also goes on to say:

And thank you, Simon. Please pass that on to Prime Minister Gillard. Please acknowledge former Prime Minister Rudd when you next see him. This is a spectacular achievement of a partnership between the Federal government and the State government and local traditional owners and the local community.

I concur with him. And further:

We—

closely engaged the traditional owners and working with them closely to understand their needs, celebrated their culture, made them part of the process and listened to the local community about the sorts of needs and aspirations they have for the future so, Simon, I'm almost speechless.

Well done, Brendon. I agree. So there you go. We have wild accusations in this chamber that are unfounded, but we have Liberal and National counterparts in Western Australia doing everything that they can to stand beside the federal government—and so they should—to acknowledge the fantastic opportunity the Kimberley was given under a federal Labor government. But that is not the end of it. What happens from here? I was reading The West Australian today, and I note that sources have downplayed speculation that Nationals leader, Brendon Grylls, will lose regional development but the Nationals may— (Time expired)

Senator HEFFERNAN (New South Wales) (16:39): I rise to speak on this MPI. I was fascinated by Senator McLucas's remarks that Northern Australia does not have much agricultural potential. She was shaking her head when Senator Eggleston was referring to the food bowl. She obviously does not know what she is talking about but is also ignoring the facts. Since the Northern Development Task Force changed hands, from the coalition government to the Labor government, they have shut it down. They have found a whole lot of people who can find reasons why we should not develop Northern Australia for agriculture.

I would like to focus on agriculture against the background of what the world faces in the next 50 years—and Mr Acting Deputy President Edwards, you are aware of that because you are on the committee—that is, the doubling of the food task by 2050. Places like China will have to feed half of its population, estimated, barring a human catastrophe, to be two billion people by 2070, from somewhere else other than China. Of course, there is the consideration by the wider public in Australia that agriculture is somehow a mature industry and that we should rest on our laurels, think of the past and retire to the coast. I do not
think so. An incoming coalition government will take a completely different attitude, with fire in the belly—firstly, from the people themselves and people like Senator Eggleston and Senator Macdonald—to find ways to get things done.

The challenge for the world is doubling the food task by 2050, in a world that is going to see 30 per cent of the productive land of Asia go out of production, while two-thirds of the world's population live there. The land that we are talking about is closer to two-thirds of the world's population than that of Sydney, but it is Australia. We should be giving hope to the next generation of Australia's farmers and we should be doing the things that do not necessarily have great political clout but have great vision for Australia and Australia's participation in the contribution of the global food task. I heard comments earlier about Cape York Peninsula. There is a plan by some people in this place to shut down the productive capacity of Cape York Peninsula.

**Senator McLucas:** You have no idea what you are talking about.

**Senator HEFFERNAN:** We will try that out, Senator McLucas, Thank you for telling me I do not know what I am talking about. Cape York Peninsula is 17.5 million hectares. It is the same size as Victoria. I presume you knew that.

**Senator McLucas:** Yes.

**Senator HEFFERNAN:** It has an estimated 800,000 feral pigs. It has about 30,000 untagged feral cattle. It has about 14,000 people who live off the coast—12,000 of them Indigenous. It has about 17 pastoral stations. The rest of it is either sit-down blackfella country or national park. And they want to turn it all into a World Heritage area. They want to lock up the first kilometre from all the rivers there, which are as good as the Murrumbidgee Flats. Sure we need new agricultural technologies. Sure we need GM production. See that against the background, Senator McLucas—you say I do not know what I am talking about—of a place like Bangladesh.

**The DEPUTY PRESIDENT:** Senator Heffernan, you address your comments through the chair.

**Senator HEFFERNAN:** Through you, Mr Chair, I am terribly sorry. Bangladesh is half the size of Cape York Peninsula and if the science is half right—it might be half wrong—it will have to find somewhere else to go because, by 2050, there could be 1.6 billion people on the planet displaced. I could go through that, only I do not have time.

Bangladesh is half the size of Cape York Peninsula and 160 million people live there. Fifty-four of their 57 rivers flow in out of India. India is mining those rivers. If the sea rises to half the level predicted by the scientists, by 2050, they are going to lose where they live. They are going to have to find somewhere else to live. The UN will not fix that. The UN are the largest, most corrupt bureaucracy on the planet—most definitely. I have been there and told them to their own face and they just sat there with a glum look. The UN will not fix this issue. People will make their own arrangements. And do you think we should lock up the capabilities of Cape York Peninsula and prevent any commercial agricultural production which will take some research and work? Do you think we should say to the Indigenous people up there, 'Look, mate, if you just get your photo taken on a spear for the next 50 years, that's a great commercial opportunity for tourism.'

**Senator McLucas:** That is offensive.

**Senator HEFFERNAN:** It's not; it is what is proposed and I have been talking to them. It is a disgrace. There are still 5,000
kids in the north there who do not have a high school to go to and we do not give a rats!

The Northern Development Taskforce commissioned the CSIRO to do a study of the water resources of the north. Just so you know that I do not know what I am talking about, Senator McLucas, there are 78,000 gigs of run-off in the Timor catchment, there are 98,000 gigs of run-off in the gulf catchment and there are 85,000 gigs of run-off in the eastern catchment, which has the complication of the run-off into the Great Barrier Reef. So we have said to the CSIRO, 'Can you study the water resources of the north?' As you would be aware, because I do not know, but you will know and you can work that out for yourself, the most northern aquifers up there are annual recharge. By the time you get down to Alice Springs, it is very old water.

We said to the CSIRO, 'Give us a study on what we can do and what the potential is.' The government changed and you said to the same mob that we instructed to do that, 'Still do it, but don't have dams in your terms of reference', because the Northern Territory and the Western Australian governments at the time opposed new dams. You said to the CSIRO, 'Do this study of the water capabilities of the North, but don't consider storing the water or damming the water.' What a stupid bloody proposition. That is your mob. Do not tell me I don't know what I am talking about!

The ACTING DEPUTY PRESIDENT: Senator Heffernan, can you please address your comments through the chair.

Senator HEFFERNAN: Sorry, Mr Acting Deputy President. I get pretty stirred up about this stuff. What we should be doing is considering ways of value-adding, as Senator Eggleston and Senator Macdonald said, not only to agriculture but also to complement downstream value-adding to the mining industry. Why haven't we got a urea plant coming out of the gas industry in Northern Australia? I don't know. Why haven't we got a phosphate plant? Why haven't we joined up Mount Isa to the north-south railway line to make that happen?

Senator McLucas: Because we killed Townsville, that's why!

Senator HEFFERNAN: Excuse me, if I had time I would take you through it and you would learn something. But why haven't we done this stuff? Do you know what Clare Martin said to me as the task force chairman? I am sure she will not mind me saying, so I can tell you what she said—and what Beattie told me too. She said, 'We're not interested in developing Ord stage 3 because we haven't got the wherewithal.' That is what Clare Martin said to me. And so Ord stage 2, which is being developed, was part of a deal for Ord stage 3. Poor old Eric Ripper did not even know when he was trying to do Ord stage 2 expressions of interest—that would have been a white shoe brigade operation—and there was still a ban on GM farming, which means it would not have worked, that the drainage had to go out through the Keep River. He had no understanding that they would have had to deal with the lead mine there, because that is a serious problem for the development of the Ord.

Clare Martin was not interested, but we are. We need infrastructure that will value-add at the same time to the mining industry, to the tourism industry and to the agriculture industry. The great opportunity in the north is for our Indigenous people because they own most of the country. This is silly stuff, to put people on the Northern Development Taskforce to find ways to shut it down. They have shut the cattle industry down. The 'don't ask, don't tell' issues with the live export
trade is that we do not have the culture that some of these Asian countries have where you have to pay for every signature you require on a piece of paper with what they call 'facilitation money', which is code for bribing. These are serious issues.

We have a vision for the north. It will be real and it will include—if there is no development opportunity for the north and north-west of Australia, why is a Chinese company at the present time negotiating to buy ten 10,000-hectare parcels of land up the coast there to create a series of fish farms? The reason they are doing that against the background of problems with the fishing industry in Asia, which is completely contaminated, is that they want to have a secure supply of farmed fish for the future. There are umpteen ways that we can value-add to them.

We should take the politics out of this because if you did it on the politics, because there are not very many votes up there, we would all sit down here and tell the next generation of farmers to go jump. (Time expired)

**Senator McLUCAS** (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (16:49): I join this debate, like Senator Crossin and Senator Sterle, with some relish because this is an opportunity to really put down on the public record the differences between the former Howard government and their record, when they had 11½ years in government, and what they did for us, and our Labor government. In my case, I am going to speak about Northern Queensland. We have heard a lot of bluff and bluster, a lot of very loud noise—I do acknowledge that Senator Heffernan was quite quiet, and I do appreciate that—and wild assertions, but these assertions in this motion that we are dealing with today are simply not based on fact. I encourage people to look at the record of the former LNP government under Mr Howard and make the comparison with our Labor governments' achievements and then make their decision.

Let us first go to roads. Since coming to office in 2007, our federal Labor government has committed $3.3 billion to maintaining and upgrading the Bruce Highway. This compares with the former Howard government, which could only manage to find in 11½ long years $1.3 billion. So $3.3 billion in the time that we have been in government compared to $1.3 billion in the time that the Howard government was in office. Let us go to some of those developments: $150 million, Bruce Highway upgrades south of Cairns, coming along fine; $160 million toward the Townsville ringroad; $50 million to upgrade the southern approach to Mackay; $25 million toward the upgrade of the Burdekin River Bridge; $90 million to flatten and straighten the Bruce Highway over the Cardwell Range; $95 million towards the Townsville port access road. Double the money in half the time: that is our commitment. They are the facts on roads.

Let us go to regional infrastructure. In the time we have been in government we have invested more than $101 million in community infrastructure in the Herbert electorate: more than $16 million for the Flinders Street redevelopment, $5 million for the Magnetic Island walkway. This is something that the people of Magnetic Island have been calling for for more than 15 years. Senator Macdonald, you know that and your member for Herbert tried to take the credit for a Labor government commitment to deliver the Magnetic Island walkway. There is $5 million for the Upper Ross community hub, $3.45 million toward the Murray sports complex, $4 million toward the Townsville cruise ship terminal and $2 million for the
youth services hub, which will include the headstart facility.

In Leichhardt we have invested $297.5 million in funding for community infrastructure, including a $3 million upgrade to Cazaly's stadium, a $3½ million upgrade to Jones Park, $1.5 million for the Edmonton Leisure Centre and $1.5 million for the Cooktown Community Events Centre. We have also invested $4.5 million in the AFL Indigenous Academy and $9.37 million in the Daintree Rainforest Observatory. In the Dwyson area we have invested $156 million for community infrastructure, including $8 million for Mackay's multi-use stadium; $6 million to upgrade the Mackay Basketball Stadium, which is also going along well; $5 million to upgrade the main street of Airlie Beach, which I inspected; and $1.5 million for the Bowen foreshore redevelopment, which I opened recently.

Compare those investments to what happened under the Howard government, when we had the notorious regional rorts program. In my area we have the allocation of $17 million to the Atherton Tablelands area west of Cairns. With the exception of the final round, that money was largely wasted. Who could forget the money allocated to the Black Stump hotel in Atherton for a so-called convention centre. The Black Stump hotel was given large amounts of taxpayers' money to establish a convention centre in a pub that has topless waitresses on a Friday night. It has never seen the light of day. Money was given to the wildlife park on the way to Kuranda and money was given to a company that went into receivership some weeks after this investment was made. Most of the $17 million was wasted.

In comparison, we have Regional Development Australia, which has taken the politics out of decision making about infrastructure projects. I commend our hardworking volunteer Regional Development Australia committees for the work that they have done to truly connect with communities to make recommendations about what infrastructure projects should be prioritised for the future.

In respect of that, let's talk about seawalls and climate change in the Torres Strait. Since about 2004 or 2005, I have been talking in this place about my concerns about the impacts of climate change on the outer islands in the Torres Strait.

**Senator Ian Macdonald:** Thanks to Mr Entsch.

**Senator McLucas:** I will take that interjection. Mr Entsch did nothing. I have been talking about this for nearly 10 years. All of that time I have been promoting the rights and needs of people of the Torres Strait. It took the election of a Labor government to get a commitment from Minister Wong to do some baseline mapping of where the sea level is in the Torres Strait. We did not even know that: 10 years of Liberal government could at least have done the basic mapping. The second step has been Labor announcing $12 million to build seawalls to protect communities in the Torres Strait. I very much look forward to those seawalls being constructed.

Other RDA projects funded in the north include the ACT for Kids project, investing $4.6 million for the ACT for Kids Child and Family Centre of Excellence in Townsville, which will support abused children not only in the Townsville region but right across the north. There is also funding for the Mackay regional events centre. In regional aviation we have seen the Horn Island airport provided with $5.09 million towards its $9 million upgrade. That airport has been calling for an upgrade for years to allow
more seats and more services to and from the Torres Strait. The Mornington Island upgrade has also been delivered. If you look at the global figures on regional aviation, the Labor government has invested $145 million in remote facilities and services in the six years since 2008. Compare that with the $16 million that the Howard government invested in the six years before. These are the facts and they are in the budget papers. This is what has happened and I hope people take the opportunity to make a comparison.

Add to that the work that we have done in health and education. Speaking of health, let's make some observations about what has happened in the north of Queensland. We have seen a bit of a test run, a trial run or a taste of what would occur if Mr Abbott were to assume the prime ministership of this country since the election of the Campbell Newman government in Queensland.

Senator Ian Macdonald: Are you going to talk about Mr Norman's letter, when he called you a liar?

Senator McLUCAS: Let's talk again about Mr Norman. Mr Norman, the Liberal Party chair of the Cairns Health and Hospital district, has sacked through his management 243 hardworking health workers who now cannot deliver the services to people of the north that we very much desire.

We have had a taste of what Mr Abbott would be like as a prime minister, because we have the Premier of Queensland showing us the way. I have great faith in Northern Australia. I have great faith in the future of our part of the world, but it was a Labor government which has truly invested in North Queensland—in our roads, in our regional infrastructure, in our health and in our education services. These services support families in the north. They support families to make good, strong decisions about their futures and the ability to maintain the population of Northern Australia. We have seen since Mr Newman came to government a loss of workers totally in the north.

**The ACTING DEPUTY PRESIDENT (Senator Edwards):** Order! The time for the discussion has expired.

**MINISTERIAL STATEMENTS**

**UN Commission on the Status of Women: 57th Session**

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (16:59): I present a ministerial statement on the 57th session of the United Nations Commission on the Status of Women.

Senator CASH (Western Australia) (17:00): by leave—I move:

That the Senate take note of the document.

I rise to respond to the ministerial statement on the 57th Session of the United Nations Commission on the Status of Women.

Violence against women is a global epidemic and, tragically, a normal part of life for millions of women across the globe, including many in Australia. A World Bank report estimated that more women between the ages of 15 and 54 were at risk from rape and domestic violence than from cancer, car accidents, war and malaria combined. And a *New York Times* article points out that according to the United Nations and other sources more than 600 million women live in countries where domestic violence is not considered a crime, and more than three million girls are facing genital mutilation.

Women in all social, economic, ethnic and religious groups are affected. According to the World Health Organization, in Australia, Canada, Israel, South Africa and the United States 40 to 70 per cent of female murder victims were killed by their partners. And, at
a recent UN women's breakfast for International Women's Day, Papua and New Guinea's chief magistrate, Rosie Johnson, shared her personal and professional experience of violence against women in that country, where there are regions where 100 per cent of women experience violence, including torture.

I therefore commend UN member countries for coming to agreement and signing up to commit to prevent all forms of violence against women and girls as part of the Commission on the Status of Women this year. As Sex Discrimination Commissioner Liz Broderick stated in a press release of 18 March 2013:

The recognition that custom, tradition or religious consideration should play no part in denying women equal rights or justifying violence against them is a major step forward. There can be no cultural or other justification for violence against women. It is, simply stated, wrong. It is unacceptable both in Australia and around the world.

It is promising to see that member countries at this year’s Commission on the Status of Women were able to negotiate this resolution after last year’s disappointing result when no consensus was reached. I take this opportunity to congratulate Ms Michelle Bachelet on her leadership of UN women and on the legacy she will leave at that organisation following the announcement of her intention to stand down from her position as executive director.

I would also like to reiterate the coalition's bipartisan support of the National Plan to Reduce Violence against Women and their Children. The Liberal Party has a proud history of implementing policies that will reduce violence against women. When it came to power in 1996, the coalition government implemented and funded the Partnerships Against Domestic Violence and the Women's Safety Agenda programs, which included funding for the Australian Bureau of Statistics Women's Safety Survey in 1996.

When in government, the coalition implemented a range of measures to assist women in the many roles they fulfil. During its 11 years in power the Howard government carried on the Liberal tradition of supporting and improving the position of women in Australia by recognising the many different roles that women may fulfil in their lives. The Howard government committed itself to an Australia where women were full and active participants in all spheres of public and private life across a wide range of decision making positions.

The safety of women was a top priority for the Howard government. It dedicated $75.7 million over four years to the Women's Safety Agenda, which addressed four broad themes of prevention, health, justice and services. The initiatives included the national 'Violence Against Women. Australia Says No' campaign and the national 24-hour helpline. The campaign was launched in 2004 and thousands of calls were subsequently fielded.

In relation to addressing violence against women in Indigenous communities, the former Howard government was again committed to reducing such violence. The coalition government convened the intergovernmental summit on violence and child abuse in Indigenous communities in June 2006. On 14 July 2006, COAG reaffirmed its commitment to adopt a collaborative approach to addressing family violence and child abuse in Indigenous communities, particularly in the areas of policing, justice, support and governance.

In 2005, Pru Goward, the former federal Sex Discrimination Commissioner and
currently the New South Wales Minister for Community Services and Women, said:

As Sex Discrimination Commissioner I am often asked what is the greatest challenge for women's human rights in Australia - the answer has to be violence against women. If women cannot expect to be safe in their own homes and communities, how can they expect equality in society? We simply cannot be complacent about violence against women. As elected representatives, we have a duty to do everything that we can to prevent this violence occurring.

In whatever setting, whether at home in Australia or overseas, I believe peer influence and male role modelling, within their families and through their workplaces and communities is effective. Men are able to effect attitudinal and cultural change that will work hand in hand with other strategies. In Australia, we had some great success with the Bsafe program run by the former Howard government.

The Male Champions of Change program run by the Sex Discrimination Commissioner, Elizabeth Broderick, is an excellent example of a program working to change culture through workplaces, using the leadership of senior businessmen. The White Ribbon program, which has bipartisan support, works to change the culture around violence against women through men showing other men that this is simply not acceptable.

We have come a long way in raising both the recognition and the profile of domestic violence over the past few decades, but there is still much work to be done in Australia and globally.

Senator RHIANNON (New South Wales) (17:07): by leave—I thank Minister Collins for reporting back on 57th session of the UN Commission on the Status of Women in New York, particularly on the important issue of working to prevent violence against women both in Australia and internationally. Violence against women is endemic and should be a critical issue for governments. One shocking fact helps to spell out why: more women between the ages of 15 and 44 are killed by violence each year than by malaria, HIV, cancer, accidents and war combined. Another to illustrate the point: some 603 million women currently live in countries where there is no law against domestic violence.

I understand that the 17-page communique agreed upon in New York was particularly hard won in the face of opposition by conservative member states and groups such as Iran, Russia, Syria and the Vatican, with some taking issue with, for example, language suggesting a husband does not have the right to rape his wife. US pro-life groups set themselves against the statement because it claimed women have a right to their own bodies. Egypt's Muslim Brotherhood claimed:

The declaration, if ratified, would lead to complete disintegration of society…

This is a puzzling response considering the statement covers sharing of roles within families between men and women such as child care and home chores, and removing the need for a husband's consent to travel, work or use contraception.

The communique involved months of lobbying and weeks of tough negotiations. The level of concern about the conservative push-back at what most rational people would see as no-brainer statements about women's rights is witnessed in the statement of feminists and women's organisations from around the world, issued on International Women's Day this year. The groups included Catholics for the Right to Decide Mexico and Women's Front Norway. These many groups reflected an alarming trend to try to
negotiate away women's rights and freedoms during negotiation on the language in the outcome document.

In the face of such opposition, Minister Collins is correct to conclude that this year's UN Commission on the Status of Women produced a landmark agreement, particularly as the year before there was no outcome document agreed upon at all.

It is a breakthrough. The participants agreed that custom, tradition or religious consideration should play no part in denying women equal rights or justifying violence against them. The documents call for an end to harmful traditional practices, such as child marriage, and to ensure that governments do the hard yards in working to meet the needs of marginalised groups like female migrant workers, women with disabilities, older women and indigenous women, which is also important. Promoting gender equality, women's empowerment and women's reproductive rights and access to sexual and reproductive services are all goals of the agreement, a key to achieving equity for women across the globe. The challenge now is for nations to act to implement the resolutions, not leave them gathering dust in the bottom drawer.

Senator Collins's statement also discussed Australia's work on the women, peace and security agenda, which she says was a priority for Australia during our term on the UN Security Council. What Senator Collins omitted to note was the history behind Australia's national action plan for the implementation of UN Security Council resolution 1325, dealing with women, peace and security. Sadly, it seemed this resolution was never actually a priority for Australia, as the senator suggested. This is a very important resolution. It affirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace building, peacekeeping, humanitarian response and in post-conflict reconstruction. It stresses the importance of their equal participation and full involvement of all efforts for the maintenance and promotion of peace and security. Yet it took Australia 11 years to issue a draft action plan for consultation—yes, 11 years to come up with a draft action plan. What a failure by Labor and the coalition to act on women's rights.

At the last estimates hearings, in February, I asked the branch manager of the Office for Women to explain what actually happened and why we dragged our heels when producing Australia's plan. Ms Steele revealed that Australia was still in the early stages of the implementation. I found out that we are yet to develop or issue monitoring and evaluation criteria, so we are still a long way from knowing whether our fledgling plan may in future make—or may have already made—a difference. Ms Steele did try to reassure me that there were measures in place prior to the plan being finalised: just because we did not have a plan did not mean that actions were not already being undertaken. But when I asked Ms Steele to explain what the measures were, what has been done and how far advanced things were, Ms Steele was forced to take my questions on notice.

The Greens are a little concerned that in reality not much has been achieved at a domestic level. We examined a number of government speeches on Australia's priorities for our term on the UN Security Council, and we were unable to even find any specific mention of resolution 1325, dealing with peace and security issues. I hope this does not reflect a general lack of commitment to Australia playing its part in ending violence against women around the globe, considering that around the world at least one woman in every three has been beaten, coerced into sex
or otherwise abused in her lifetime—one in three.

We know there is a need to do much more internationally and domestically to end violence against women. On International Women's Day, just passed, leading feminist Ms Anne Summers publically called for governments to treat violence against women as a crime epidemic and devote to it the kinds of resources they would mobilise if this were, say, a terrorist attack. She also suggested proper labelling of crimes to ensure we know the extent of the epidemic and zero tolerance towards those individuals who are convicted of crimes of violence against women. Finally, she suggested never forgetting the women who have died in this epidemic.

An estimated 1.2 million women around Australia over the age of 15 have experienced domestic or family violence. The negative effects of violence against women—physical, emotional and economic—must be addressed through adequately funded, appropriate health and education programs. In recent times the Australian Greens have been campaigning to broaden discrimination laws, to introduce domestic and family violence as a separate form of discrimination, and to see the federal government inject funding to provide women across the nation to access Victoria's award-winning Bsafe program, which provides personal safety alarms to women and children at risk of domestic violence, linking them to emergency services and allowing them to remain in their homes. We all need to do more to help women and children to live lives free from violence, and support them to remain living where they are, to avoid homelessness that can result from domestic violence.

Successive coalition and Labor governments for 11 years have dragged the chain on developing a national action plan in response to UN requirements. This is an international embarrassment. Now is the time for Australia to pick up its game on women's rights and work with other progressive governments to resist those countries blocking change to improve women's rights and in some cases attempting to turn back the clock to overturn women's rights. A key test of the worth of Australia's role on the Security Council will be our work for women's rights in Australia and globally. The Greens will be watching closely. Thank you.

Question agreed to.

COMMITTEES

Community Affairs Legislation Committee

Education, Employment and Workplace Relations Legislation Committee

Additional Information

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:16): On behalf of the chairs of the Community Affairs Legislation Committee (Senator Moore) and the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall), I present additional information received by the committees on their inquiries into the provisions of the National Disability Insurance Scheme Bill 2012 and the provisions of the Australian Education Bill 2012, respectively.

Legal and Constitutional Affairs Legislation Committee

Corrigenda to Report

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:17): On behalf of the chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), I present a correction to
the report of the committee on the provisions of the Native Title Amendment Bill 2012.

Ordered that the document be printed.

Public Works Committee
Report

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:17): On behalf of the Parliamentary Standing Committee on Public Works, I present the two reports of the committee, as listed on today's Order of Business.

Corporations and Financial Services Committee
Report

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:17): On behalf of the Parliamentary Joint Committee on Corporations and Financial Services, I present two reports of the committee, together with the Hansard record of proceedings and documents presented to the committee, as listed on today's Order of Business.

Ordered that the reports be printed.

Australian Commission for Law Enforcement Integrity Committee
Report

Senator CASH (Western Australia) (17:18): I present the report of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity on the examination of the annual report for 2011-12 of the Integrity Commissioner, together with the Hansard record of proceedings.

Ordered that the report be printed.

Senator CASH: I move:

That the Senate take note of the report.

The Law Enforcement Integrity Commissioner Act 2006 requires the committee to examine each annual report and each special report prepared by the integrity commissioner and report to parliament. During 2011 and 2012, ACLEI, as the committee is known, focused extensively on the activities of the Australian Customs and Border Protection Service. This was the first year that Customs came under ACLEI's purview. That expanded jurisdiction, in effect from January 2011, was recommended by the committee in 2010 in its report on the operation of the Law Enforcement Integrity Commission Act 2006. This was a resource intensive focus for ACLEI as it examined the influence of organised crime on those who work to protect our borders. ACLEI looked carefully at the corruption risk to those same individuals and those efforts are paying off. Senators would be aware of the media coverage which has accompanied a number of arrests of personnel in the Australian Customs and Border Protection Service.

The expanded jurisdiction and focus on Customs means that the overall workload for ACLEI has increased. It assessed and investigated 185 corruption issues in 2011-12. At the beginning of last year, 2012, ACLEI marked five years of operation. In light of that significant milestone and of the challenges that I have referred to, it is appropriate that ACLEI committed to implementing the recommendations of two reviews into its operations by Mr Peter Hamburger PSM. In essence, the implementation of those recommendations will support ACLEI in meeting the new challenges which it faces, not only because of its current and expanding workload but also because as of July this year the staff of three more agencies will come within its jurisdiction: that is, the staff of the Australian Transaction Reports and Analysis Centre—AUSTRAC—CrimTrac and the biosecurity staff of the Department of Agriculture, Fisheries and Forestry. Again,
this expansion to ACLEI's role was recommended by the Parliamentary Joint Committee on ACLEI.

Finally, the committee commends the Integrity Commissioner and his staff for their 2011-12 annual report and the role that it has played over the last six years.

Question agreed to.

Migration Committee

Report

Senator SINGH (Tasmania) (17:21): On behalf of the Joint Standing Committee on Migration, I present the report of the committee on migration and multiculturalism in Australia and seek leave to move a motion.

Leave granted.

Senator SINGH: I move:

That the Senate take note of the report.

Since my time in the Senate I have had the honour of being a member of, and involved in, the joint standing committee inquiring into the economic, social and cultural impacts of migration in Australia. The task of the inquiry encompassed multiculturalism, social inclusion and globalisation through the settlement and participation of newly arrived migrants, including those who have arrived as refugees.

Firstly, I want to take the opportunity to pay tribute to the chair of this committee, Ms Maria Vamvakou, who led this inquiry with compassion, strength and a strong sense of understanding. The terms of reference for the inquiry resulted in over 500 submissions, and the nature of this kind of inquiry led to the committee undertaking 27 public hearings over a two-year period, these hearings requiring a genuine listening ear from all those involved. I am pleased this committee has embraced multiculturalism, and the report I am tabling in the Senate today has received strong bipartisan support.

I am a strong advocate of our multicultural society, one that celebrates its diversity and recognises the contribution of our rich multicultural fabric. At times, however, I am both puzzled and appalled by the language used around this very issue. In a nation built on the back of migrants I cannot quite understand why we continue to divorce ourselves from the benefits of multicultural Australia and what it has brought to our society. It continues to enrich us, not just economically but also socially and culturally.

It is my hope that we, as elected representatives of our constituency, come to the realisation that we are doing more harm than good when we start alienating citizens of our own country. The truth is we are a welcoming country—a country of over 22 million people speaking over 260 languages and identifying with more than 270 ancestries. Our society continues to be enriched through the positive benefits of migrants and refugees, with migration accounting for 44 per cent of total job growth in the past five years.

Our model of multiculturalism is envied throughout the world and our settlement services are recognised as one of the world's best. These services are at the core of our migration program. I believe this report is a testament to Australia's ability to develop a strong social and culturally diverse society. Through government leadership and cultural understanding we have developed a cohesive Australia. I, along with some of my colleagues, have a personal appreciation for culturally diverse backgrounds. I am the daughter of an international student who arrived in Australia in 1963 and some of the members of parliament are sons and daughters of migrant parents.

I believe it is only through the acknowledgement and understanding of our heritage that we will be able to achieve a resilient multicultural nation. We know,
however, that there can be challenges for newly arrived migrants and those from culturally and linguistically diverse backgrounds. It is for this reason it is vital that we continue to work together to combat areas of discrimination in our community and encourage all generations of our society to embrace our differences. A belief in equality is at the forefront of ensuring that we have a long-term cohesive society, ensuring all individuals have access to the same opportunities in life, regardless of their background. We would not be doing justice to our society if we did not continue to review and evolve our settlement services and our migration system.

This inquiry allowed for the committee to delve into these very issues that are facing communities throughout Australia. It provided an opportunity for the committee to focus on the settlement services and the integration and participation of both new and established communities. The report I am tabling today makes 32 recommendations on how we can build on what we have already achieved in promoting a rich multicultural nation, supportive of giving all citizens the very best opportunities in Australian life. In order to achieve the very best settlement process, it is integral that we have a whole-of-government approach. Through the involvement of all three tiers of government, settlement in Australia can be very much a positive experience. The report has noted this approach is necessary and enhanced results in this area of settlement can be obtained through better coordination from all levels of government.

The committee's recommendations included rebuilding Australia's research capability in this area, factoring cultural and linguistic diversity into the government's social inclusion agenda, greater flexibility in English-language training and support for micro enterprises. The committee acknowledges there still remain obstacles for some Australians in the area of job security and opportunities. It is a concern that many qualified residents are unable to have their overseas qualifications recognised here in Australia. These issues, if unresolved, can have a negative flow-on effect to a number of communities. The committee has also established that Job Services Australia needs to develop a better system of delivering services to people from diverse backgrounds, including refugees.

What is clear is multiculturalism is embedded in our national identity and it is something we need to start clearly embracing. Whilst this report identifies what we need to improve on, it also recognises what we have achieved. I want to thank all of those who contributed to the report through their submissions and public hearings. I want to thank the secretariat and all the members of the committee for their work and their commitment. Once again, I highlight the valuable role of the chair, Maria Vamvakinou. Lastly, I want to thank the Hon. Chris Bowen for showing leadership in this area and referring this matter to the inquiry. I commend the recommendations to the government and to the parliament.

Senator CASH (Western Australia) (17:28): I too rise to speak to the Joint Standing Committee Report on Migration and Multiculturalism in Australia, of which I was a member. Coalition members and senators acknowledge the significant contribution of all who contributed to this inquiry. The terms of reference were broad and the level of community interest considerable given the numerous submissions to the inquiry itself. The committee members worked together throughout the inquiry to achieve a collaborative report.
You would be aware that the coalition under the former Howard government introduced multicultural policies and programs that signified the coalition's strong and enduring commitment to community harmony, and a migration program that does not discriminate on the basis of ethnic origin, gender, race or religion. A decade ago the then coalition minister for immigration the Hon. Philip Ruddock MP, recognised the value of multicultural policies and programs and stated in *Multicultural Australia: United In Diversity* policy, the following:

This non-discriminatory migration program has brought people from across the globe and with them their diverse cultural heritages. About six million migrants have settled in Australia since the Second World War. They have made an enormous contribution to Australia, along with the unique contribution of Australia’s Indigenous people, earlier migrants and their descendants. Together, we have built a country that is vibrant, successful and outward looking, a country that provided safe haven for the dispossessed, and a bright future for us all.

Australia today is a culturally and linguistically diverse society and will remain so. Like our sophisticated migration program, our multicultural policy continues our tradition of successful nation building. It will help us to ensure that we meet the challenge of drawing the best from the many histories and cultures of the Australian people, within a framework of a uniting set of Australian values.

There is no doubt that Australia as a nation has a successful migration policy. The success of our migration policy, however, is no accident; it is the result of a carefully planned, merits based, non-discriminatory and orderly immigration program that has, by and large, generally received the overwhelming support of the Australian community.

Underpinning Australia's migration program has been a settlement policy that was aimed at enabling people to adopt their new society by embracing our values, learning English, getting a job and getting involved in Australian life. In past decades the primary focus of multiculturalism was to build an appreciation of ethnic and cultural diversity and to combat the intolerance and discrimination that was denying Australians the opportunity to fully participate in the Australian way of life. It has been a success in this regard.

The Howard government's policy statement *A new agenda for multicultural Australia* sought to broaden its multicultural policy and adopted the term 'Australian multiculturalism', which was intended to bring a greater focus on what communities had in common as Australians. It said that the Commonwealth government's 'vision is of a vigorous, multicultural Australia, united by a shared future, an overriding commitment to our nation and its democratic institutions and values, and support for the rule of law, with English as a common language.' The policy deliberately set out to explicitly recognise the significance of Australian values—in particular, the primacy of the English language, respect for existing institutions and adherence to the rule of law.

When debating the issue of multiculturalism, coalition members and senators on the committee are of the opinion that focusing on the generality of whether one is for or against multiculturalism is self-defeating and divisive. Coalition members and senators believe it is important to acknowledge that a consensus has emerged on the existence and benefits of ethnic, racial and religious diversity in our society. Having affirmed this consensus as policymakers, the parliament must then ask itself what practical policies are needed to promote the benefits of ethnic, racial and religious diversity in our society and remove emerging barriers that seek to diminish these benefits.
In relation to the recommendations in the majority report I make the following comments. In relation to recommendations 4 to 6 I reiterate that coalition members and senators are of the view that all Australians must understand that cultural tolerance is not a licence for cultural practices that are offensive to the cultural values and laws of Australia and that our respect for diversity does not provide a licence for the establishment and maintenance of closed communities. Such practices are in direct conflict with the overwhelming experience, spirit and practice of immigration to Australia, where people have come to join us and not change us. In that regard, coalition members and senators fully endorse committee recommendation (6) that states: ‘The committee does not support legal pluralism.’

In relation to settlement and participation, recommendations 18 to 24, coalition members and senators recognise that, in order to integrate and to gain employment in Australia, migrants must have a command of the English language. Coalition members and senators acknowledge the role that the AMEP has in this regard. We also note, however, the criticisms that have been made of the AMEP in relation to its effectiveness. Coalition members and senators also note AE12/0466, provided in response to a question on notice from myself during the additional Senate estimates hearing on 13 February 2012, whereby the minister admitted that in 2010-11 64 per cent of the AMEP participants did not obtain functional English. A further 14 per cent of participants were awarded statements of attainment, which are conferred for attendance only as opposed to being a measure of actual skill or acquisition.

Finally, the coalition members and senators on the committee support recommendations 3, 14, 15, 17, 19 and 32 in principle. However, as we are fiscally conservative and fiscally prudent, we are mindful that the recommendations would involve the expenditure of new funds. Coalition members and senators consider that these recommendations ought to be implemented by government only if they can be undertaken within existing budgetary parameters.

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. Details of the documents also appear at the end of today’s Hansard.

BILLS
Tax Laws Amendment (2012 Measures No. 6) Bill 2012
First Reading
Bill received from the House of Representatives.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:36): I move:

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

Question agreed to.

Bill read a first time.

Second Reading
Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:37): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—
This Bill implements a range of improvements to Australia's taxation laws.

Schedule 1 confirms that income tax is not payable on certain native title benefits or on certain capital gains tax (CGT) events involving native title rights.

At present, when applying the ordinary rules of the income tax system based on traditional common law concepts, it is unclear what the tax implications are for Indigenous communities when a native title benefit is received and with respect to certain CGT events involving native title rights, due to the unique nature of a native title right.

By confirming that there are no tax implications for these acts, this amendment provides Indigenous communities with much needed certainty and clarity which is important when they are negotiating native title agreements.

Schedule 2 amends the list of deductible gift recipients (DGRs) identified by name in Division 30 of the Income Tax Assessment Act 1997. Donations made to organisations with DGR status are income tax deductible to the donor and therefore DGR status will assist the listed organisations in attracting public support for their activities.

The Schedule adds two new organisations to the Act, namely, AE1 Incorporated and Teach for Australia, and extends the time period for listing of Australia for UNHCR, One Laptop per Child Australia, and the Yachad Accelerated Learning Project.

Schedule 3 amends the Income Tax Assessment Act 1997 to extend the immediate deductibility of ‘exploration and prospecting expenditure’ to geothermal energy explorers.

Geothermal energy is an emerging clean and renewable energy source with the potential to be used for the generation of electrical power in a largely emissions-free manner. These amendments will assist the Government's objective of encouraging exploration for geothermal energy.

Geothermal energy explorers will be entitled to equivalent treatment for their exploration or prospecting expenditure incurred on or after 1 July 2012 as that afforded to mining and petroleum explorers. This includes an immediate tax deduction for the cost of depreciating assets first used for exploration or prospecting on or after 1 July 2012, provided certain criteria are met.

The amendments in this Schedule will include geothermal exploration rights and geothermal exploration information in the list of intangible assets included in the definition of 'depreciating assets'.

The changes will also extend the definition of 'exploration or prospecting' to include exploration or prospecting for geothermal energy resources. This will allow geothermal energy explorers to immediately deduct the cost of the tangible and intangible depreciating assets they acquire if they first use the assets for exploration or prospecting, provided certain criteria are met.

In addition, these amendments will allow geothermal energy explorers to deduct expenditure incurred on exploration or prospecting for geothermal energy resources in an equivalent manner to mining and petroleum explorers.

Finally, the changes will prevent geothermal energy explorers from incurring an unintended liability in circumstances where they stop holding an exploration right because they merely acquire an energy extraction right relating to the same area or an area that is not significantly different. This will provide for an outcome equivalent to that for mining and petroleum explorers.

These amendments will encourage exploration for geothermal energy resources, and ensure that geothermal energy is an important part of the renewable energy mix.

Schedule 4 to this Bill amends Schedule 2 of the Tax Laws Amendment (2011 Measures No. 5) Act 2011 to extend the exemption for managed investment trusts (MITs) from the interim streaming rules introduced by that Schedule until the 2013-14 income year.

The Government provided an optional exemption from the application of the interim streaming rules for MITs and certain trusts treated like MITs. This was in recognition that these trusts generally do not 'stream' income; instead, they distribute all of their trust income.
proportionally. Extending this exemption ensures that MITs can continue to use the current arrangements until the commencement of the new tax system for MITs on 1 July 2014.

Schedule 5 to this Bill implements the Government's 2012-13 Budget measure to better target the net medical expenses tax offset by means testing the threshold above which a taxpayer may claim the offset and the rate of reimbursement from 1 July 2012.

Australian Government annual health expenditure is expected to reach around $100 billion by 2022. Means testing ensures this tax offset is appropriately targeted and is one of a number of measures the Government has identified to ensure a strong and sustainable health care system.

For taxpayers with adjusted taxable income above the Medicare Levy Surcharge thresholds ($84,000 for singles or $168,000 for couples or families in 2012-13), the threshold above which they may claim the net medical expenses tax offset will increase to $5,000 and the rate of reimbursement will be reduced to 10 per cent. The claim threshold will be indexed annually to the CPI.

People with adjusted taxable income below the surcharge thresholds will not be affected by this means test.

These changes will provide an ongoing gain to revenue which is estimated to be $370 million over the forward estimates period.

Introducing a means test will protect low and middle income earners, while helping to reduce the long term cost to the budget and ensure the ongoing sustainability of the net medical expenses tax offset.

The Government continues to provide substantial support for health expenses, including around $27 billion in 2012-13 through the Medicare Benefits Schedule, the Pharmaceutical Benefits Scheme and related safety nets.

Schedule 6 amends the definition of limited recourse debt. The amendment is necessary to ensure that the limited recourse debt tax provisions achieve their policy objective.

The objective of these provisions is to reverse a taxpayer’s deductions for unpaid capital expenditure, where the taxpayer has not been fully at risk in relation to the expenditure.

The amendments will achieve this objective by looking at the substance or effect of a loan arrangement to determine whether a debt is a limited recourse debt, not just the legal form. This will ensure that taxpayers cannot structure their arrangements to avoid the limited recourse debt provisions.

The amendments will apply to debt arrangements that are terminated at or after the announcement of this measure at 7.30 pm (AEST) on 8 May 2012.

Schedule 7 amends the Fringe Benefits Tax Assessment Act 1986 to implement the 2012-13 Mid-Year Economic and Fiscal Outlook measure to remove the concessional treatment of ‘in house’ fringe benefits that are purchased through salary sacrificing.

The current fringe benefits arrangements allow employees to receive concessional treatment for goods and services that an employer or an associate produces or sells in the ordinary course of its business.

The Government recognises that it is not appropriate for the tax system to subsidise ‘in-house benefits’ for employees accessing them through salary sacrificing arrangements. This is why the Government is amending the Fringe Benefits Assessment Act 1986 to restore the concessional treatment of fringe benefits to its original policy intent.

Employers will still be able to provide staff discounts that will continue to receive the concessional treatments as long as the employee purchases the goods and services out of after-tax income.

The amendments in Schedule 7 mean that the concessional tax treatment is available for employers to reflect the true cost of providing the benefits and minimise the compliance costs, rather than as a means of employees reducing their income tax.

The amendments in Schedule 7 apply from 22 October 2012 (the date of announcement) for all new arrangements and from 1 April 2014 for all existing arrangements.
And finally, Schedule 8 includes several miscellaneous amendments to the taxation laws.

These include making sure that the promoter penalty provisions in the tax laws are effective against conduct that takes place outside Australia.

Such amendments are regularly made to correct minor technical or drafting defects in the taxation laws, and to address unintended outcomes. The Government has a long-standing commitment to uphold the integrity of the taxation system, and advancing such amendments gives effect to this very important commitment.

Full details of the measure are contained in the explanatory memorandum.

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

COMMITTEES
Cyber-Safety Committee
Membership
Message received from the House of Representatives notifying the Senate of agreement to the Senate resolution varying the resolution of appointment of the Joint Select Committee on Cyber Safety.

BILLS
Financial Framework Legislation Amendment Bill (No. 4) 2012
Marine Safety (Domestic Commercial Vessel) National Law Amendment Bill 2013
Migration Amendment (Reform of Employer Sanctions) Bill 2012
Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Bill 2012
Protection of Cultural Objects on Loan Bill 2012

Federal Circuit Court of Australia (Consequential Amendments) Bill 2013
Assent
Messages from the Governor-General reported informing the Senate of assent to the bills.

COMMITTEES
Legislation Committees
Report
Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:38): Pursuant to order and at the request of the chairs of the respective committees, I present reports from legislation committees on the 2012-13 additional estimates, together with the Hansard record of the committees' proceedings and documents received by committees.

Ordered that the reports be printed.

Community Affairs Legislation Committee
Report
Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:38): On behalf of the Chair of the Community Affairs Legislation Committee, Senator Moore, I present the report of the committee on the provisions of the Family Assistance and Other Legislation Amendment Bill 2013, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

BILLS
National Disability Insurance Scheme Bill 2013
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.
Senator McKENZIE (Victoria) (17:39): It gives me great pleasure to continue my remarks on this landmark piece of legislation, the National Disability Insurance Scheme Bill 2013, on an issue that again has complete bipartisan support. When I was first elected and became a senator, a little over 18 months ago, one of the first people who came to see me in my new role was Millie Parker. Down in Victoria, she is a great local advocate for the NDIS. She was very passionate about ensuring its fruition. She got me on board very early. So I am very pleased to be here today speaking in support of this reform for those with disability.

It is a joint venture between governments state and federal—and obviously the territory governments, Senator Scullion. We want it to be a success. I would like to commend my own state government of Victoria, as the reforms that have been introduced in my home state by Minister Wooldridge in this area were highlighted right throughout the hearings as a way of moving forward and as a bit of a highlight in terms of how different states have gone about dealing with the issues of people with a disability. It is a joint venture between states. We want everyone to get on board and to ensure that their own communities are participating. We wish those who are hosting trial sites all the best in going forward.

One of the other issues that we had during the hearings was that, whilst this is the framework that outlines what we are going to do, there are a lot of draft rules that sit under this framework—on who is in, who is out, definitions, details et cetera—that will go to the functioning of this. For the committee to get a draft of those only on the final day of hearings, on Tuesday, 5 March, to have a bit of a look at prior to producing a report, was concerning. The government has indicated that potentially there is a lot more to come in terms of draft rules. It would have been nice, as a committee, to have been able to consider this issue as a whole. The coalition want the NDIS to be a success. We want the launch sites to go smoothly. We stand ready to work with the government in all jurisdictions to make the NDIS a reality. If we spend all this money, we need to be sure we end up with a better system.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (17:42): I would like to start my contribution to the debate on the National Disability Insurance Scheme Bill 2013 by quoting from the Community Affairs Legislation Committee report into the bill:

The committee heard overwhelming support for the introduction of an NDIS. The committee did not hear from a single submitter, be that an organisation or an individual, that did not support the introduction of some form of structural and funding overhaul of the provision of disability services and support. … none thought the status quo provided adequate and equitable access to services.

I also would like to quote from the evidence provided by DANA, Disability Advocacy Network Australia, who said:

The significance of the NDIS cannot be overstated. It has the potential to be the most important change to the provision of support for people with disability to occur in any nation, at any time.

This is a historic day in the history of our nation. For the first time, we will see the establishment of a National Disability Insurance Scheme. As many in this debate have said, and as Senator McKenzie said in her contribution to the debate, this is a reform whose time has come. It is a reform the government is proud to be delivering. As has been commented on, and as Minister Macklin said in her contribution, it is rare that a proposed reform strikes such a chord with so many of us across party lines. The consensus in the parliament reflects the
consensus in the Australian community. It is indeed a historic day.

This is a scheme that will transform the lives of people with disability, their families and carers. The NDIS will provide people with the care and support they need when they need it by giving them greater control over the services they require to lead fulfilling lives. For too long disability support services have failed those who need them most, which is why we are implementing the NDIS. Many people are born with or acquire a disability; in fact, on average in Australia, every 30 minutes someone is diagnosed with a significant disability. In a modern Australian society it is beholden upon us to deliver care and support to someone with a disability that affords them the dignity and the opportunity to lead a full life. We want to provide support for people with a disability so that they can live in society and have the same opportunities as those without a disability.

Before I get into the detail of the bill we are debating today I want to take the Senate back to how we got to where we are today. The government, through the then Parliamentary Secretary for Disabilities and Children's Services, the Hon. Bill Shorten MP, asked the Productivity Commission to hold a public inquiry and report on a long-term disability care and support scheme. The Productivity Commission's report on disability care and support was released by the Prime Minister in August 2011, and all governments agreed with its recommendation to establish a national disability insurance scheme. In last year's budget the government set aside $1 billion over four years from 2012-13 to help roll out the launch sites in South Australia, Tasmania, the ACT, the Hunter region in New South Wales and the Barwon area in Victoria. All together, the launch sites will make real the NDIS for around 26,000 people.

From July 2013 in South Australia the NDIS will be launched focusing on children aged from birth to five who have significant and permanent disability. From 2014 the age limit will be extended to 13. In the third year of the launch, children up to the age of 14 will be included. It is expected around 5,000 children will be covered under the first stage of the scheme.

In my home state of Tasmania the first stage of the scheme will cover young people aged 15 to 24 from 1 July 2013. This is expected to cover around 1,000 Tasmanians. I look forward to seeing the Tasmanian government reaching an agreement with the federal government so that people with disability across Tasmania can be supported by a full scheme. That age group has been selected as it is a highly important time in a young person's life as they are transitioning from high school into work and/or further studies. The NDIS will offer this age group the opportunity to receive greater levels of support and assistance to lead fulfilling lives as they leave school and are faced with options of work or further study.

I have to say that in Tasmania the news of the state being named as a launch site was met with significant optimism and excitement. People genuinely feel this scheme will change lives by providing a new way to care and support people with a disability. While I have this opportunity I also want to acknowledge the passionate advocates in my home state for tirelessly advocating for a NDIS not just since the Productivity Commission's report but for many, many years. I believe this passionate grassroots campaign, supported by the strong commitment and work of the state Labor government, played a key role in helping Tasmania secure one of the launch sites.
In the ACT from July 2013 the government will deliver enhanced services and commence preparations for a full launch, and in July 2014 the NDIS will fully commence in the ACT. The NDIS launch site in the ACT is expected to cover up to 5,000 people, an increase from the 1,400 who currently receive specialised disability services. In New South Wales the Hunter region will be used as the launch site, and it will be phased in over three years across the local government areas of Newcastle, Lake Macquarie and Maitland. This is expected to benefit around 10,000 people with disability in New South Wales. In Victoria the NDIS will commence from July 2013 in the Barwon area, covering the city of Greater Geelong, the Colac Otway shire, the Surf Coast shire and the borough of Queenscliffe. These launch sites for the scheme are vital because they will play a key role in identifying what works well on the ground in practice and what we may have to look at tweaking to ensure that we get this highly anticipated scheme working as it is intended.

The bill will have two key purposes: to establish the National Disability Insurance Scheme and the associated framework for the scheme's operation and also to establish the National Disability Insurance Scheme Launch Transition Agency, which will operated the first stage of the scheme through the launch sites that I have just spoken about. The framework of the scheme will implement items such as eligibility, reasonable and necessary supports and goal based plans for participants.

This framework is reflective of the principles agreed at COAG between the Prime Minister and the states. It includes: giving people with disability individual care and supports based on their needs; giving people real choice and control over these supports, meaning more control over their lives; ending a situation where people are not told what support is available, or how to access that support; and fostering innovative services that are delivered and coordinated locally. The scheme is designed to move away from the crisis model where families only receive support if they are unable to continue in their caring role and there are no other options. This scheme is designed to work with families before they reach this stage and make sure the valuable care they provide can be sustained by giving greater government support.

The scheme will also look at taking a lifelong approach to supporting someone with a disability by focusing on early intervention, particularly when there is good evidence that it will substantially improve a person's functioning. Of course, significant consultation and work was undertaken with states and territories and with people with disability, their families, carers, disability workers, service providers and advocates on the design, funding and governance of the scheme.

As I mentioned, the bill also establishes the National Disability Insurance Scheme Launch Transition Agency as a body that is independent from the government. It will be the responsibility of the agency to deliver the scheme as well as performing a range of functions, including managing the financial sustainability of the scheme, building community awareness about disability and undertaking research about disability and the social contributors to disability. The agency will be overseen by a board that is made up of people with extensive experience in the provision or use of disability services and in financial management, governance and the operation of insurance schemes, as well as an advisory council made up of people who have lived with the experience of disability and caring.
As a member of the Senate Community Affairs Legislation Committee I had the opportunity to be involved in the Senate inquiry into the NDIS Bill. The committee heard wide-ranging evidence on the benefits of the scheme and potential areas that required improvement. I am pleased that through this committee process and other means the government has made a number of amendments to improve the National Disability Insurance Scheme Bill. I am pleased that the parliament has been able to come together, leave past partisanship at the door and deliver a piece of public policy that will improve the lives of so many Australians.

Before I finish I want to acknowledge the passionate community campaign that has been running for many years to see the implementation of the NDIS run by the disability and carer community, providers and unions. I believe that the momentum generated by the thousands of passionate advocates from around Australia ensured that governments from all levels worked together to see that the scheme was put in place and launched, because we know the current support system is underfunded and unfair. We are now faced with the launch sites and then proceeding to the full implementation of the scheme. This NDIS Bill, as Minister Macklin has stated, has the rights of people with disability, their families and carers at its heart and:

The bill will implement a nationwide, demand driven system of care tailored to the needs of each individual and established on a durable, long-term basis.

Failing is simply not an option. The eyes of people with a disability and their families and carers are upon us. It is now our job as elected representatives to ensure that this scheme improves the lives of people with a disability.

I also want to acknowledge in my contribution here today the significant work of the Minister for Disability Reform, Jenny Macklin MP, as well as the Parliamentary Secretary for Disabilities and Carers, Senator Jan McLucas. They have both done an extraordinary amount of work as the driving forces behind ensuring this legislation has come to fruition. I am sure that this is an extremely proud day for Minister Macklin and Senator McLucas as this bill is debated and we see it progress into law.

As the Prime Minister said in her speech in the House on the NDIS Bill:

The NDIS will stand alongside the minimum wage, the age pension, Medicare and universal superannuation as one of the great Labor pillars of social justice and opportunity for all Australians. It will change our society in profound and lasting ways, enabling those who live with disability to fulfil their potential as valued and valuable members of our society.

I commend the National Disability Insurance Scheme to the Senate.

Senator IAN MACDONALD (Queensland) (17:55): I will start by joining Senator Brown in acknowledging the work that carers do in looking after their charges, those with disabilities, however they came by those disabilities. Indeed, those of us who do not have that duty and responsibility, I guess, can never quite fully understand the trials and tribulations—and, I guess, the joys—of those who spend their lifetimes looking after others. I want to acknowledge them.

I also want to pay tribute to Senator Mitch Fifield for the work that he has done over a long period of time with the National Disability Insurance Scheme and the way he has, in a quiet, non-political way, pushed to make sure that this bill—the National Disability Insurance Scheme Bill 2013—ended up where it is today. It is not a bill that we should be involving in the normal
political discourse back and forward, and I was a bit disappointed in Senator Brown's speech—a good speech though it was right until the end, when she sought to make some political capital out of an issue which clearly has political support across the board.

I guess all of us in our lives have come across people who worry about their offspring who have a disability—people who worry about what will happen when they pass on. Indeed, some of the best friends of my wife and me had a disabled child. They were very good friends of ours and we were quite close to them, but at times—be it in sober moments or not so sober moments, and there were many of those—there was always this underlying concern in their otherwise quite happy lives about what would happen to the young fellow if something happened to them. It was something that I learnt in those days about the anguish that people, particularly parents, suffer. In fact, in my own family and my wife's family, there is a similar situation where people growing old wonder what will happen to the disabled people once they themselves pass on. I know that an uncle of Lesley's never quite knew exactly how to deal with that situation but left a lot of money to try and ensure that there was someone there to look after the disabled person when he passed on. So it has certainly been a traumatic issue for many families from time immemorial. In my practice as a country solicitor for many years before I came into this place, often people would come to me and talk about these issues when drawing up their wills; they would try to work out the best way to handle things. Indeed, you could again see the anguish and concern that they experienced in trying to work out what needed to be done.

The one good thing—in fact, the only good thing—that I can see that came out of the 2020 Summit in 2008 was this proposal for a national disability insurance scheme. You might recall that that was the summit that was to have all these great ideas for Australia but which turned into nothing more than a talkfest, it having faded into insignificance and into the backs of everyone's memory since 2008. But there was one proposal that came out of that and that was this proposal for a national disability insurance scheme. It was a concept that was conceived by Mr John Walsh and Mr Bruce Bonyhady, who talked about it at that 2020 Summit in 2008.

The introduction of the National Disability Insurance Scheme that we are dealing with today does have cross-party support at both federal and state level. Again, regrettably, some people have attempted to make some political capital out of it by accusing the states of not doing this or not doing that. That is regrettable, because I know that all of the state governments, be they of whatever political persuasion, support across the board an insurance scheme for the disabled that we are dealing with today. As my leader, Tony Abbott, said quite clearly and unequivocally: 'The NDIS is an idea whose time has come.'

The level of support that a person with a disability receives can depend on many factors. It might depend on where they live, whether that disability is congenital or whether it was acquired and, if acquired, that it was at the workplace or due a motor vehicle accident or in some other context. Workers compensation and motor vehicle accident insurance provides coverage in some states, but if you are born with a disability or acquire disability later in life, it can be a different story, and we can see long waiting lists and queues. The result is that many people with a disability are left without the assistance they need. As I said at the beginning of my speech, the instance of parents worrying about the assistance that
will come to the disabled person when they pass on has also been a real issue.

The coalition has always enthusiastically supported every step along the road to the achievement of the National Disability Insurance Scheme. You will recall, Deputy President, that we supported the initial work of the Productivity Commission and we also supported the $1 billion that was set aside in last year's budget, although we queried whether this was the appropriate amount in view of what the Productivity Commission had said. Deputy President, you would also be aware that we in the coalition supported the five launch sites and we supported the agreement between the Commonwealth and New South Wales for a full statewide rollout of the proposal. Indeed, we also support this legislation.

If I have one hesitation about my leader, Mr Abbott, it is that he always seems to be so fit, riding around the country on a bicycle and doing things like surf swimmers, long-distance runs and long-distance bicycle rides. I just wonder if anyone who is that fit and spends so much time with that sort of extreme activity is an appropriate leader for me! But that is the only thing for which that I would ever hesitate in my support for Mr Abbott! I say that, for the written record, tongue in cheek. I also raise that to indicate that I was very proud in my support for Mr Abbott! I say that, for the written record, tongue in cheek. I also raise that to indicate that I was very proud when Tony Abbott— I am always very proud when he does all of his pollie pedals, as they are called. Over the years he has raised a great deal of money for charity through a pollie pedal which he initiated many years ago now. I am particularly pleased that he has made what can be seen as a personal commitment to Australians with a disability and particularly for those who care for them by dedicating some $540,000 raised by the 2012 Pollie Pedal charity bike ride to Carers Australia. It was good to see news reports of that pollie pedal bike ride. It was 1,000 kilometres. Fortunately, he did not ask me to join him, but I know that some of my colleagues did. Along that 1,000 kilometre route Mr Abbott met with people with a disability, with carers and with disability organisations. I understand that the next two pollie pedals that he is involved in will also be in partnership with and help raise funds for Carers Australia.

We believe that a National Disability Insurance Scheme can be delivered within the timeframe recommended by the Productivity Commission and we think that a government acting responsibly and prudently—managing well the finances of the country—can do that.

We have tried to offer support to the current government through the establishment of a joint parliamentary committee, to be chaired by both sides of politics, to oversee the establishment and implementation of the NDIS. As I understand it, that has not actually been agreed to by the current government. I may be wrong in that and, if I am, I apologise. But if I am not wrong and they have not agreed to that then I would certainly urge those senators taking part in the debate to impose upon their leadership to agree to a joint parliamentary committee so that we can take the politics out of it and actually achieve a serious result—a bipartisan result—for something that is, without question, as Tony Abbott said, at its time now.

This is a once in a generation reform that will evolve over many parliaments of this country. It will not be the property of any particular party or group; it will be the property of the parliament as a whole, on behalf of the Australian people. I think that is very important. We need to get it right, and that requires a very high level of consultation.
and attention to detail not just now but from now until the full implementation.

I could say that this government has not been anywhere near the top of the class when it comes to consultation. Very often, things are done on the spur of the moment for the wrong reason and without proper thought being given to how things will be funded. I would hope that, in the instance of this particular initiative of many, many people, there is that appropriate very high level of consultation and attention to detail. That is why I thought the idea of a joint parliamentary oversight committee would be very, very useful.

I am pleased to see that a colleague of mine, my local federal member, Mr George Christensen, the member for Dawson, moved a motion in the House of Representatives to establish this non-partisan joint committee some time ago. Unfortunately, those who control the agenda in the House of Representatives have not seen fit to bring that motion to a vote at the present time. Again, I would urge those senators from the other side of the chamber taking part in this debate to impose upon their leaders to bring that motion forward for a vote in the other place so that the House can, in a bipartisan way, express support for that suggestion.

In our own chamber, Senator Fifield moved the same sort of motion to establish that oversight committee, and it is of some genuine regret to me that the Labor Party and the Greens political party combined together in the Senate to vote that down. That seemed to be contrary to the spirit of the way in which this legislation has been dealt with. I know that my leader, Mr Abbott, reiterated the offer at a recent Press Club speech when he said, and I quote:
The Coalition is so committed to the National Disability Insurance Scheme, for instance, that we’ve offered to co-chair a bi-partisan parliamentary committee so that support for it doesn’t flag across the three terms of parliament and among the nine different governments needed to make it work.

What Mr Abbott was very rightly saying and drawing attention to is that this is not something that one political party in one parliament can deal with in the time that they happen to be the government of the country. I do not make any comment on opinion polls but, should the government of Australia change later on this year, it will be important that the new government has been involved in this process from the very start and that the current government continues to be involved, and the same must be said right across the states of Australia.

The first stage of this scheme, as I understand, will benefit more than 20,000 people with disabilities, their families and their carers living in South Australia, the ACT, Tasmania, the Hunter in New South Wales and the Barwon area of Victoria—and it will indeed go on further than that. It is something that I very much support.

I note the remarks of my senate colleagues in the very detailed Community Affairs Legislation Committee report on this bill. I note the submissions that have been made to the committee during their presentation. I particularly note that the first hearing of the committee was held in my base city of Townsville. I was pleased to see so many people from the Townsville community—the Mental Illness Fellowship of North Queensland; the Townsville Independence Program for Adult Community Living; Community Connections; Supported Options in Lifestyle and Access Services Inc; Deaf Services Queensland; a very significant group in the North Queensland area simply called Cootharinga; the independent advisory Townsville service; the Ingham Disability Support Services group; and Inclusion Works—appear before the committee. They were just some of the ones from the north.
who made submissions, and they were the ones who were called before the committee to give their evidence in person. I thank them all for the evidence they gave. The suggestions and comments that they put forward have helped get us to where we are at the present time. I support the bill.

Senator Singh (Tasmania) (18:14): I rise to speak to this landmark legislation, the National Disability Insurance Scheme Bill 2013. There are times when the din of public debate recedes and the actions of members and senators of this place combine to bring into sharpest relief the role of government. We are reminded in those moments for what purpose Australians from one of the diverse and liberal populations of the world have wrought a society that understands itself as a single community, each part supported by the other. We have built our nation on a guarantee of fairness and a guarantee of egalitarianism, a society that acknowledges that together we built the conditions in which any one of us might make a prosperous life and that we owe to it each other to ensure that prosperity is shared.

This is a nation that acknowledges that, no matter the different circumstances into which our children are born, all Australians should have access to the best possible education system. We acknowledge that effort should be fairly rewarded with decent wages and conditions for those who labour at an honest day's work. And we acknowledge that our commitment to Australia can be honoured in a sincere exchange of customs and heritage so that culture is no barrier to success.

Yet every day many Australians are diagnosed with a significant disability, either congenital or acquired through accident or misfortune. For many, their disability will cause them to drop out of the Australia most of us experience. Instead of participating in a vibrant national life, their experience may be shaped by the constraints of isolation, poverty, stress and insecurity. Many struggle with the cost of care, with treatment and with equipment. Even more grapple with issues of dependence that make carers of family and friends and amplify the consequences of disability.

The approach most people living with disability have been forced to take has been ad hoc. It has sought to deal with issues as they arose and as finances, time and energy allowed, all too often without the level of control and choice that they need. So too has the government's approach to disability been characterised by inconsistency, with budget allocations failing to take account of the true cost of disability or plan for the longer term.

While it has been clear for some time that this approach is not satisfactory, serious reform in this area has eluded successive governments—not even having found its way onto the agenda of the previous coalition government. I am pleased to say that the Gillard Labor government has placed disability reform firmly on the agenda for the nation and, encouraged by the strongest indications of community support through the Every Australian Counts campaign, has developed this new policy response from the ground up.

The National Disability Insurance Scheme and the bill before the Senate right now are part of extending the Australian pledge of a fair go to all people, including those living with disability. It will replace the current funding model with an insurance-like scheme based on actuarial analysis and a philosophy that shares the costs of disability services across the community. Rather than simply funding central services, it will allow funding to be directed towards eligible individuals' ongoing support needs and enable people to exercise more choice and control in their lives through individualised
funding. In doing so, it will give effect to the principles outlined in the international agreements to which Australia is party, especially the Convention on the Rights of Persons with Disabilities, especially those articles that urge a sense of independence and self-determination. Similarly, it will help to deliver those principles under the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights in that it will enhance the expression of the fundamental human rights of people living with disabilities.

The principles underpinning the National Disability Insurance Scheme are expressed, as they should be, in terms of human rights and the ability of people living with disability to exercise choice. But the NDIS is not simply a statement of principles. It is more than a reprioritising or reshaping of disability support in this country. It is also significantly expanding the level of support for people who need assistance in taking control of their lives. This bill creates a new agency, the NDIS Launch Transition Agency, to provide for the first stage of the rollout of the NDIS and demonstrate the model by assisting more than 20,000 people living with disability, their families and their carers living in South Australia, Tasmania, the Australian Capital Territory, the Hunter in New South Wales and the Barwon area of Victoria. These launch sites, funded with a $1 billion commitment from the Gillard Labor government, will begin the implementation of the NDIS from 1 July this year.

I am pleased and proud that Tasmania has been chosen as a launch site and I want to acknowledge the strength and energy of those campaigners in my home state of Tasmania who have fought long and hard for an NDIS—of course for their state, but also in recognition of the challenges faced by all Australians living with disability—people such as Margaret Reynolds, somebody from whom wise counsel is assured, whether as a former senator or in her previous role at National Disability Services Director; and also David Clements, the current state manager of NDS; and extraordinary organisations like Baptcare and the Brain Injury Association. Their work has meant that, from 1 July 2013, all eligible 15-24-year-olds in Tasmania—estimated at around 1,000 people—will be covered by the new National Disability Insurance Scheme.

Tasmania is an ideal location for the initial implementation of this project. Not only is it by virtue of its size, geography and governance a relatively flexible place to be first mover on such a scheme; it is also in pressing need of enhanced disability support. Partly as a result of its demography, Tasmania has the highest prevalence of disability out of all states in our country. Subsequently, the effect of disability is most acutely felt in Tasmania and the principles of the NDIS more sorely needed. It is my sincere hope that the greater provision of tailored care, decided, directed and ultimately employed by those affected by disability, will ease its burden and allow the young Tasmanians who will be amongst the first users of the NDIS to shape their own destiny.

It should never be that a young person suffering an acquired nerve injury from a bicycle accident is relegated to a nursing home because of lack of care or that a person should have to forgo the most routine conveniences because of a normally easily repaired home design issue. In a community as wealthy and as privileged as Australia we should never allow the vicissitudes of accident and luck to override the autonomy of our brothers and sisters, sons and daughters, neighbours and friends.
Like the grand architecture of Medicare, the Pharmaceutical Benefits Scheme, our public education system and our award wage system—the rest of our social safety net, most of which results from the efforts of community activists and Labor governments—we must make the legacy of our success a society in which we can all take part. We must make a promise to all Australians that we will never abandon them or leave them behind so long as we have the capacity to move forward together. The NDIS will take us forward together. I am proud to be part of a Labor government responsible for this new social compact, and I commend this bill to the Senate.

Senator MASON (Queensland) (18:23): I will leave the broader debate surrounding this bill to my colleagues, particularly the ever-eloquent Senator Fifield, and confine my remarks to just one issue: the protection of privacy of individuals under this act. I have spoken about this issue over the years in various different contexts and I do so because privacy reflects the great tension in our democratic life between the quest for individual autonomy on one hand and the impulse for community on the other—a great philosophical, moral, social and political battle. There is never any easy answer, but even here today on the National Disability Scheme Bill 2013 those issues are again alive. I will confine my remarks just to the issue.

I am concerned that in its current form the bill does not adequately protect the privacy concerns that scheme participants and service providers may have in relation to the handling of their data. First, section 60 of the bill allows any person to obtain, make a record of, disclose or otherwise use protected information held by the National Disability Insurance Scheme Launch Transition Agency if it relates to the purposes of the bill. This potentially represents a broad infringement of privacy rights because the objects of the bill, set out in section 3, are highly generic. They include, for example:

... support the independence and social and economic participation of people with disability; and

... ... ...

raise community awareness of the issues that affect the social and economic participation of people with disability, and facilitate greater community inclusion of people with disability.

These are broad, highly generic terms.

In promoting these wide-ranging objectives, it is the privacy rights of scheme participants that are expected to give way. Moreover, according to subsection 60(3) of the bill, obtaining, recording, disclosing or using information will be taken to be for the purposes of the bill if the CEO of the agency believes on reasonable grounds that it is reasonably necessary to facilitate research or actuarial analysis into matters relevant to the scheme or, even more broadly, to facilitate policy development.

This provides an executive official with considerable discretion over the privacy rights of scheme participants. It is concerning that these rights, under the express terms of the bill, are subject to such generic matters as policy development. Surely, some thought should be given to the development of much clearer guidelines with respect to the exercise of this discretion. I note that such guidelines are not included in any of the draft NDIS rules released on 5 March.

Section 66 of the bill enables the CEO of the agency to disclose NDIS information if the CEO certifies that it is necessary to do so in the public interest. The CEO may also disclose information to the secretary, chief executive or head of a Commonwealth, state or territory department or authority for the purposes of that department or authority.
These provisions significantly expand the disclosure powers of the CEO and might further undermine the privacy rights of scheme participants. The draft NDIS Rules for the Protection and Disclosure of Information do not impose defined guidelines to limit the exercise of the CEO's discretion. For example, in considering whether to issue a public interest certificate, the CEO is required under clause 4.3 of the rules to consider whether:

… the person to whom the information will be disclosed has sufficient interest in the information.

A person will have sufficient interest in NDIS information if the person has:

… a genuine and legitimate interest in the information …

These criteria hardly alleviate concerns about the abrogation of privacy rights under the bill. Indeed, the rules simply replace one set of broad criteria with another. The end result is that there is a threat to privacy rights under the NDIS bill and its accompanying rules as currently drafted.

At section 12.7 of its 2011 inquiry report entitled Disability Care and Support, the Productivity Commission argues that any national disability insurance scheme must preserve the confidentiality and privacy of data provided by scheme participants. The Productivity Commission recommends, among other things: de-identifying scheme data; imposing conditions on how data can be used by researchers, for example, through enforceable undertakings; and requiring researchers to comply with principles regarding responsible and ethical research conduct. These matters are not expressly dealt with in the bill or the draft NDIS rules.

Some protection is afforded under the newly-created Australian Privacy Principles set out in the Privacy Amendment (Enhancing Privacy Protection) Act that was passed late last year and is due to commence in March 2014. For example, clause 6.4 of the sixth Australian Privacy Principle requires the de-identification of data collected by an agency prior to disclosure to another entity.

However, while the Australian Privacy Principles will apply to the National Disability Insurance Scheme Launch Transition Agency, as a Commonwealth public agency, it is unclear what privacy protections will apply to the handling of information by the wide range of other entities that are likely to be involved in the NDIS. In particular, I note that the 'small business exemption' applying to any business with an annual turnover of less than $3 million has been retained in the formulation of the new Australian Privacy Principles. Further, state public agencies are not covered by the Australian Privacy Principles and not all of the states—specifically Western Australia and South Australia—have in place similar privacy arrangements to the Commonwealth scheme.

In its submission to the Senate Standing Committee on Community Affairs inquiry into the bill, the Office of the Australian Information Commissioner said:

Given the amount of personal information that will be collected and used under the Scheme, it will be important to ensure appropriate and consistent coverage of all participating entities under privacy law.

It is crucial that a uniform approach to privacy protection is mandated under the bill.

I note that the Department of Families, Housing, Community Services and Indigenous Affairs will be conducting a privacy impact assessment in relation to the NDIS. While I welcome this development as a means of considering in further detail the privacy implications of the scheme, it is unfortunate that the Senate could not have
had the benefit of this analysis before being called upon to pass the bill and to debate the issues.

It is also disappointing that the Senate standing committee's final report dealt with the privacy implications of the bill in less than two pages, and in those two pages did not really provide any substantive policy analysis. The standing committee's conclusion in relation to the privacy implications of the bill is simply that:

Department officials are scheduled to meet with the Australian Information Commissioner to discuss the concerns outlined in his submission. The Committee anticipates that if any amendment to the provisions that ensure consistency across jurisdictions was required, this would be considered by the Department.

Again, it would have been useful for privacy concerns in relation to the bill to have been properly assessed and brought to the attention of the Senate before the debate here this evening.

The protection of privacy rights is by no means a 'side-issue' that we can allow to slide under the radar. As we saw last week when the government announced its new media law package, Australians do not take the abrogation of privacy rights and freedom of speech lightly. Indeed, the protection of privacy and freedom of speech are foundations of the society that we live in today. It is important that any debate about privacy rights takes place in the public domain upon a consideration of all the relevant circumstances and implications. In the event that the privacy impact assessment finds that there are gaps with respect to privacy protection under the bill, the parliament must ensure that these gaps are remedied without delay by amending the NDIS legislation as passed.

**Senator THISTLETHWAITE** (New South Wales) (18:34): I speak in support of the National Disability Insurance Scheme Bill 2013. At the outset I would like to congratulate and thank all who have worked over many years and decades to make this bill and this scheme a reality. We are lucky in some respects that those who have worked to make this happen know a little bit about what overcoming adversity and succeeding against the odds is all about. I am of course referring to the more than 400,000 Australians that live every day with a significant or permanent disability. It is because of their determination, tenacity, energy and bravery that the NDIS is poised to make a real and lasting difference to the way this nation treats its disabled citizens, and I pay tribute to them and thank them for that.

The bill establishes the framework for the NDIS, a new program for funding care and support for people with a disability. It is intended to commence for full access across Australia from 2018. The bill also establishes the NDIS Launch Transition Agency, the body that will manage the first stage of the NDIS in five locations around Australia from July 2013.

For many years now Australians who suffer from a disability and their carers and their families have not been able to access adequate levels of financial support and care. By many accounts, the system in place charged with ensuring that these people can enjoy a full, rewarding life free of discrimination has in some respects failed them. Problems that have been identified with the system have ranged from the sheer complexity of the current system, the failure of funded services to meet demand and differential treatment depending on how someone acquires their disability. These are deficiencies that really should not be allowed to endure in modern-day Australia, particularly in the light of significant projections of increase in the number of...
people who will live in our society into the future with a severe or profound disability.

In 2009, the Australian government commissioned the Productivity Commission to investigate the feasibility of a national disability insurance scheme. The commission subsequently found that:

The current disability support system is underfunded, unfair, fragmented, and inefficient, which gives people with a disability little choice and no certainty of access to appropriate supports. The stresses on the system are growing with little costs.

As a solution, the commission proposed that the NDIS provide insurance to all Australians who acquire a significant disability, provide support through the provision of information and referral services and provide long-term care and support to the around 410,000 Australians living with significant and ongoing disability.

The scheme will be launched in five sites across Australia from July 2013. The first stage of the scheme will begin in South Australia, Tasmania, the ACT, the Hunter in New South Wales and the Barwon region in Victoria, and will benefit more than 20,000 people living with disability, their families and their carers. I am proud to say that in my state, the federal government has reached a long-term agreement with the New South Wales government to fund and deliver the National Disability Insurance Scheme in 2018. I offer credit and thanks to the New South Wales government for working with the federal government on a long-term delivery solution for this important scheme.

The framework of the NDIS will bring long-term certainty to the resourcing of disability care and support, so that people with disability can feel secure that they will get what they need over their lifetime. The scheme will respond to each individuals' goals and aspirations for their life, and will plan with each person to take account for their individual circumstances; this will include support for carers and other informal and community supports that are important to the person living with disability.

The scheme will work with families in their role as carers, ensuring they are not overwhelmed by the task and can continue to provide valuable informal care. The scheme will also focus on intensive early learning intervention, particularly where it is evident that it will substantially improve a person's predicament, or slow the progression of their disability over their lifetime.

In Australia, a person with a disability has a poverty risk around 2.7 times that of a person without a disability. This scheme recognises the importance, where possible, of helping people with a disability to get back into the workforce.

The government has heard the frustration and desperation of people with a disability, who are sick and tired of being, in many respects, second-class citizens, one of whom, Tricia Malowney, wrote a compelling article last year about her plight as an Australian with a disability. She said:

I am a 20 per cent-er - one of the approximately 20 per cent of Australians who have a disability. The majority of us are underfunded (or not funded at all) for the supports we need to participate fully as Australian citizens. Australians with disabilities cross all demographics. We come from all socio economic sectors, we live in the city and we live in rural locations. We come from CALD backgrounds and we are Indigenous and refugees. We are married, we are single, we are parents and carers. We are LGBTI and we are straight.

We do not have the same impairments, but we share the same social disadvantage.

... ... ...

So, we've had enough ... - we need the NDIS and we need it now.

Well, to Tricia, and all of those who have been campaigning for many, many years for
this invaluable and important reform, I am proud to say that—and proud to be part of—a Labor government has heard you and is delivering this important reform. I commend the bill to the Senate.

Senator PAYNE (New South Wales) (18:41): Before I begin my remarks this evening, I want to indicate to the chamber and for the record, that I dedicate my speech tonight to my very good friend Liam Hitchen, who is a thirteen-year-old boy in Orchard Hills in Western Sydney, for whom this will make an extraordinary difference.

I want to begin by acknowledging the sentiments of my colleague Tony Abbott, the Leader of the Opposition, and say, as he did, ‘The NDIS is an idea whose time has come.’ The fact that Australians with disabilities deserve a better deal than they are getting is something that both sides of this chamber can agree about. The current system could best be described as a patchwork quilt. It is something that I have heard time and time again from disability advocates in Western Sydney in particular. That view was only reinforced by the 1,600 or so submissions that were made to the Senate Community Affairs Legislation Committee.

It is clear that many people with disabilities and their families simply do not know where to go for help. Different states have different systems, and there are different conditions for those with congenital conditions and for those who acquire them during the course of their lives—at home, or on the road or at work. They have to navigate a maze of insurance forms, state departments, federal departments, and inevitably, queues wherever they turn. The process is enough to make some people just give up, and we do need to streamline the system to prevent this from happening.

We need to provide support on a needs basis rather than rationing, with the entitlement for support going to the individual. The individual needs to be able to pick the aids, the equipment and support services that they need, and this is at the heart of the Productivity Commission’s report into support for people with disabilities, which, as my colleague Senator Fifield has indicated, the coalition strongly supports. The Productivity Commission approach provides the blueprint for how this scheme should operate. As well as supporting that Productivity Commission approach, we also supported the $1 billion provided by the government in the last budget. We supported the five launch sites, we supported the agreement between the Commonwealth and New South Wales for a full state-wide rollout following the Hunter launch and, importantly, we support this legislation.

At this point, I also want to acknowledge the leadership and commitment of the New South Wales Minister for Disability Services, the Hon. Andrew Constance, the member for Bega. His work in this area and his commitment to making sure that the NDIS happens, and happens for the people that he serves and cares for in New South Wales, is without parallel. He is an exceptional minister, and he is serving those people with a dedication that, some days, is stunning.

This scheme will complement the work of organisations that I have had a great deal to do with in recent years: organisations like the Nepean Area Disabilities Organisation in Penrith; Great Community Transport, which serves the Blue Mountains and the Nepean area; the Penrith Disabilities Resource Centre; the Royal Institute for Deaf and Blind Children; the Thorndale Foundation; and Northcott Disability Services in Parramatta. I have met with representatives from those organisations on many occasions and even recently with Senator Fifield, who
was in Western Sydney for a meeting with those organisations at a round table in Emu Plains. Top of their agenda is the NDIS. For people like Denise Heath from the Nepean Area Disabilities Organisation and Denise Roberts from the Penrith Disabilities Resource Centre this is a seminal moment in how they do their jobs and how their organisations operate. I must say that, although I knew them to be highly competent and efficient heads of their various organisations, the forethought and consideration they displayed on that day to both Senator Fifield and me of how their organisations may work within the NDIS was extremely impressive.

In implementing this agenda we will obviously continue to engage with disability advocates every step of the way to ensure that we have the best National Disability Insurance Scheme. We on the coalition side of the chamber believe the NDIS can be delivered within the Productivity Commission's time frame and we stand ready to work with the government to see the NDIS delivered as soon as possible.

We do perhaps disagree on one issue. A number of those on the other side of this chamber and elsewhere continue to say that the NDIS represents quintessentially Labor values. I think that is somewhat disappointing. This is not something that should represent the values that are synonymous with one political party. It should be above politics. This NDIS represents Australian values. It is about helping those who are less fortunate and face extra challenges that are beyond their control. We do not intend to and would not brand this as a Liberal scheme or a coalition scheme, and I am disappointed that some on the other side are trying to do the same.

The NDIS is a person-centred and self-directed funding model that aims to empower individuals, not governments, to reduce the red tape and the hassle that people face. This represents a real turning point for people with disabilities and their carers. We have to do everything possible to ensure that we get it right. This is a once-in-a-generation reform that will unfold over the life of several parliaments and it should be owned by the parliament as a whole and by the people the parliament represents, not any particular political party. To that end the coalition has called for the establishment of a joint parliamentary committee to be chaired by both sides of the political divide to oversee the implementation of the NDIS.

In a debate last week I spoke about the effectiveness of parliamentary joint committees. On that occasion I was discussing constitutional recognition of Aboriginal and Torres Strait Islander Australians. These committees can be extremely effective bodies. A parliamentary oversight committee would unite all of the parties and would provide a non-partisan environment where the design and eligibility could be completed cooperatively. I think that is a very important concept in this discussion. My colleague from the other place Mr George Christensen, the member for Dawson, has had a motion in the House of Representatives to establish this committee for some time but, unfortunately, it has not yet been brought forward for a vote. My colleagues Senator Fifield and Senator Boyce moved in June last year a very similar motion to that to establish an oversight committee but it was voted down by the Labor Party and the Australian Greens.

So I renew the coalition's call today for the government to accept our offer of a non-partisan parliamentary oversight committee. We will be moving an amendment to this bill to establish such a committee. I heard Senator Thistlethwaite as he concluded his
remarks this evening acknowledge the effective work done between the Liberal government in New South Wales and the federal government here in Canberra. There is no reason why we cannot extend that to make it even more constructive to establish such a parliamentary oversight committee.

Every government in Australia wants the National Disability Insurance Scheme, so it is disappointing when we see some people put politics above those wishes. The COAG meeting before last was a fairly good example of that. The persistence of the New South Wales and Victorian Liberal governments to withstand some pretty heated attacks that they received from the federal government meant that we did end up with agreement to host launch sites. We continue to ask the Prime Minister to adopt a more cooperative approach—something that has been missing in a number of instances from the Commonwealth's dealings with the states and territories up until now.

Debate interrupted.

DOCUMENTS
Consideration
The following order of the day relating to government documents was considered:


ADJOURNMENT
The ACTING DEPUTY PRESIDENT (Senator Stephens) (18:50): Order! I propose the question:

That the Senate do now adjourn.

Murray-Darling Basin
Senator McEWEN (South Australia—Government Whip in the Senate) (18:50): Today is a monumental day for South Australians and for the future of the Murray-Darling Basin. After years of disagreement and decades of overallocation and constant bickering amongst states today is the day when the plan is finally locked in. The disallowance period will expire at the end of this parliamentary sitting and after over a century of tug of war between the states we will be able to celebrate the fact that South Australians will once and for all see a permanent return of 3,200 billion litres of water to our river. The Murray-Darling Basin reforms are a major milestone in the health of the river.

When I say these changes to the river have been a long time coming I really mean it. Back in February I had the pleasure of meeting with Bev and John Lowe, a couple from Western Australia, who are relatives of former South Australian senator William Senior. He was a senator in the early years of the 20th century. I did a bit of research about Senator Senior before I met with Bev and John purely out of interest and so I could learn a little more about him. Reading his Governor-General's address-in-reply speech from 1914 I was shocked. Would you believe that back then, in May 1914, almost 99 years ago, there was heated debate in this place, which was down the road a bit then, about the future of the river? Senator Senior was concerned even back then about the plight, the future and the health of the river Murray. That was before we knew the scientific effects of climate change and before we knew how catastrophic global warming could be. Yet Senator Senior recognised that the state of the river Murray was one which should be of national concern.

Former Senator Senior came face to face with the same narrow-mindedness that has plagued the issue for more than a century. In retaliation to interjections during his address-in-reply speech, Senator Senior said:
I grant that the water may fall in Queensland, or in New South Wales, or by the mere veering of the wind, in Victoria; but after all, its' origin seems to me to indicate that we should regard it as a gift for Australia, and the object of our legislation should be to make the greatest use of it, not for NSW, or Victoria or South Australia, but for Australia as a whole.

The senator went on to say that the issue should be treated as an issue for the whole nation and not just for those states that are along the river. He said:

There has not been, as there should have been, a general appreciation of the fact that the waters belong as much to others to whom they are conveyed by the river as to the people on whose land the rain from heaven has fallen.

Senator Senior was not the first to voice his concerns in this place and he most certainly was not the last, as the debate over the allocation of the Murray-Darling continued for the rest of the 20th century and moved with us into the 21st century as well. But if it were not for local people voicing their concerns about the river, I doubt we would be celebrating the finalisation of the plan that we are celebrating today.

Today I had the pleasure of meeting Henry Jones, a water warrior, a Clayton resident and a man who has fought passionately to secure the river's health down in the Lower Lakes and Coorong region where he lives at Clayton. Henry and his wife, Gloria, travelled across from Adelaide last night to be here for this momentous day.

A sixth generation commercial fisherman in the Lower Lakes and Coorong area, Henry became the face of The Advertiser's Save the Murray campaign. After spending much of his lifetime fighting for the river, fighting to secure the future of his livelihood and the livelihoods of others who depend on the river, he was extremely proud to see this day come. I would like to congratulate Henry on being awarded the River Murray Medal, an award made by the Murray-Darling Basin Authority last month.

The best news to come out of today is that those communities that live along the river—the fishermen like Henry, who rely on a healthy river—can finally have a positive outlook on their futures. The Gillard Labor government, after a century or more of disagreements and conflict, has finally achieved what no other government has done before: success. Success not just for any one state but for the health and longevity of the Murray-Darling Basin, our greatest river system.

I would like to congratulate everybody who campaigned for this day. I would especially like to make mention of Labor federal ministers, Penny Wong and Tony Burke—both water ministers, who gave their all to make sure that this day could come about. Thank you.

Medal of the Order of Australia

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (18:55): I rise tonight to speak about two outstanding Inverell citizens who were awarded Medal of the Order of Australia medals on Australia Day. The Inverell district owes a debt of gratitude to Brian Laurance Baldwin and Margaret Ann Hodgens.

Brian Baldwin is known to everyone as Spike. That is his nickname. Many of us get nicknames, Madam Acting Deputy President. Spike has devoted much of his life, in fact, since the age of 16, when he first joined St. Vincent De Paul, to helping his community.

He was regional president of St. Vincent De Paul for five years, but has been heavily involved at many levels and is still involved today. This included visiting Inverell Hospital for 21 years and popping in to cheer up patients, some of whom had no-one else
to visit them. For 17 years he was a member of Inverell Apex Club and then he moved on to Inverell Rotary Club where he has held many positions and was named a Paul Harris Fellow, a coveted Rotary award.

He loves his church and has a strong Catholic faith. Parish priest Father Joe Adriano once said:

Brian Baldwin is the parish. One of the greatest citizens of this country. He shares his time with people without personal motive. If you want to know what an Australian is, look at Brian Baldwin.

This extends to Holy Trinity School at Inverell where he has led fundraising activities and held positions on the school board.

Spike's career was as a stock and station agent and he has been a member of the Australian Livestock and Property Agents Association since the early sixties. He gave his time to young men who wanted to learn how to be a good auctioneer. Spike himself has donated his services as an auctioneer at hundreds of charity events.

Spike is also a race caller. He called the Texas Cup meeting last Saturday. He has been a racing official, Inverell Citizen of the Year in 2011 and just an all-round good bloke who has done so many things for so many people in our community.

Thank you to his wife Helen, his two daughters Wendy and Libby, and sons Shon and Peter for sharing their husband and father with all of us in our community.

And now to Margaret Ann Hodgens. She is called the gatekeeper of Inverell's family history. Ann saw a need to revive and preserve Inverell's history and, rather than expect someone else to do it, she became the founder and president of the Inverell District Family History Group Inc. from 1984 to 1987 and from 2005 to 2012.

Since 2003 she has been the research coordinator for the Family Ties project, in conjunction with the University of New England, researching the histories of the people of the Newstead-Elsmore pastoral district near Inverell in northern New South Wales. Ann was also involved in the early stages of the restoration and conservation of the Newstead homestead in partnership with the Inverell Shire Council in 2007. Newstead Homestead was owned in the 1800s by Duncan Anderson—a relative of former Deputy Prime Minister, John Anderson—and his good friend and artist Tom Roberts was a frequent visitor. This was the inspiration for his classic paintings: The Golden Fleece which centred on Newstead's shearing shed; Bailed Up, which was the scene of a bushranger holding up a stagecoach on Paradise Road; and In the Corner of the Macintyre.

Ann was an invited speaker at the New England and North West Regional Royal Australian Historical Society's annual conference, held in Armidale in 2010, and again at the society's annual New South Wales State Conference, held in Maitland during 2011. Also in 2011, Ann was the co-convenor of the New South Wales and ACT Association of Family History Societies Inc. State Conference, held in Inverell. I remember the events very well. She was the author and co-author of local history publications including, The Byron Arcade and A Fine Body of Men: Inverell Remembers the Kurrajongs 1916.

My sincere congratulations to both Brian Baldwin and Ann Hodgens on this wonderful honour bestowed upon them this Australia Day. I congratulate all those Australians who received awards on the recent Australia Day. We are fortunate to have so many fine Australians who do so much for their communities and make such a contribution to our country towns, our states and our
country. I also mention former mayor of Inverell shire Mal Peters, who received an Order of Australia medal. So to those people: well done, we are very proud of you and the community is very proud of you. To Ann Hodgens and her wonderful work with the historical society and to Brian 'Spike' Baldwin, a legend of Inverell—everyone knows Spike at the saleyards, at the racetrack, at church or wherever—we congratulate them for a well-deserved reward.

**Abortion**

**Senator THORP** (Tasmania) (19:00):

Today I stand in unity with over 80 per cent of Australians who believe a woman is the only person who can make the final decision about whether or not she has an abortion. I believe that women have the right to make decisions about their own bodies, and I believe that access to safe and legal abortion is a fundamental aspect of this right. What I find hard to believe is that abortion is still defined under the criminal codes in the majority of Australian states. This creates an uncertain environment for women and their doctors alike. It puts up a barrier to effective health care and often disadvantages the most vulnerable women in our communities.

The Tasmanian health minister's proposed law, which is based on reforms in Victoria and the Australian Capital Territory, will rightfully recognise termination as a health issue, not a legal one. It will reduce uncertainty for doctors and will ensure that women's rights are enshrined. Currently, Tasmanian women have access to only two local doctors who will perform terminations and two specialists who fly in for weekly clinics. While some women have the financial capacity to fly interstate to secure a termination, there are many who simply cannot afford it. It is these people who are being unfairly disadvantaged by the situation.

By removing abortion from the criminal code, we can remove uncertainty for doctors and encourage more clinics to open free from potential criminal sanctions. We also create an environment where women can make this difficult decision surrounded by their own local support networks. And despite the many falsehoods that are out there, there is simply no evidence that the proposed changes will increase the rate of termination. International studies have shown that the legal status of termination has no impact on its incidence. We have seen this here in Australia where differing laws from state to state have had little impact on termination rates. Instead, the proposed changes will merely make the procedure safer and reduce the associated stigma that can be so
damaging to women's mental and emotional health.

Good health is essential to allowing women to lead productive and fulfilling lives, and the right of women to control all aspects of their health, including their fertility, is core to the personal empowerment of women. Sexual and reproductive health rights cut across many of the basic human rights that I believe are at the core of what the Labor Party stands for. Importantly, the proposed legislation will also create a provision for safe zones around the clinics that offer these services. Within these zones, a person must not protest, film, threaten, harass or intimidate. This is an important addition that will help to protect the safety, dignity and emotional wellbeing of women.

Australia has come a long way in the long road to safe, accessible and non-judgemental abortion. I urge all my colleagues to be vigilant in ensuring that we do not let that slip backward. I also put on the record my unerring support for Michelle O'Byrne's bill to recognise the rights of women and remove abortion from Tasmania's criminal code.

Goulburn Sesquicentenary

Senator STEPHENS (New South Wales) (19:05): Last Thursday, 14 March, Goulburn held a huge community celebration of its sesquicentenary. I was delighted that the Senate unanimously supported a motion of recognition of this event and that the Prime Minister sent a message of goodwill to the city because Goulburn holds the unique distinction of being proclaimed a city on two occasions. The first, unofficial, proclamation was made by virtue of royal letters patent issued by Queen Victoria on 14 March 1863 to establish the Diocese of Goulburn. It was a claim made for ecclesiastical purposes, as required by the traditions of the Church of England. The letters patent also established St Saviour's Church as the cathedral church of the diocese. This was the last time that letters patent were used in this way in the British Empire, because they had been significantly discredited for use in the colonies and were soon to be declared formally invalid and unenforceable in this context. Several legal cases had already established that the monarch had no ecclesiastical jurisdiction in colonies possessing responsible government, and this in fact had been granted to New South Wales in 1856—seven years earlier. So the letters patent held authority only over those who submitted to it voluntarily, and then only within the context of the church. It had no legal or civil authority or implications. So Goulburn was again officially proclaimed a city on 20 March 1885, removing any lingering doubts as to its status. St Saviour's Cathedral, designed by Edmund Thomas Blacket, was completed in 1884, with the tower being added in 1988 to commemorate the Bicentenary of Australia. The Church of Sts Peter and Paul is the former cathedral for the Roman Catholic Archdiocese of Canberra and Goulburn, and it was completed in 1889.

In 1962, Goulburn was the focus of the fight for state aid to non-government schools. An education strike was called in response to a demand for installation of three extra toilets at a local Catholic primary school, St Brigid's. The local Catholic archdiocese closed down all local Catholic primary schools and sent the children to government schools, declaring that they had no money to install the extra toilets, so nearly 1,000 children turned up to be enrolled locally and the state schools were unable to accommodate them. The strike lasted only a week, but generated national debate and resulted in state aid for non-government schools.
This is only a tiny snippet of Goulburn's colourful history, but it reminds us that the city is renowned for much more than Rambo, the big merino. Goulburn's history sets the city apart as the first inland city in Australia. With a thriving wool trade, bustling railway yards, breweries, factories and workshops, wide streets and glorious architecture, Goulburn was a beacon of prosperity for many travellers heading south and west from Sydney. It has sheltered many figures of national prominence—writers, explorers, political figures, sportsmen and women, soldiers, bushrangers and larrikins. We have embraced them all as part of the colourful tapestry that is the story of Goulburn.

The 150-year celebrations provide many snippets of the past—re-enactments, maps and plans, photographs, old machinery, archives. All these elements considered separately might be seen as merely nostalgic, but the community's celebrations are the product of the residents coming together, pooling their knowledge and expertise and synthesising those pieces into a cohesive story that is accessible to all, and represents the city's character. We do not offer a manufactured or sanitised version of the past in Goulburn, as authenticity, which we have in abundance, is what people want to experience. And all of this is now available on a great new app, developed for Goulburn by AppyTravels with the support of a grant from Minister Burke's department. We have a beautiful children's book with a sound track, the Talking Piano, which captures many historic landmarks of the city. We have patchwork quilts and a 30-metre scarf adorning Rambo.

On the weekend I had too much choice. In two days I attended: the street parade; an art exhibition opening at the South Hill Gallery; a community concert; a wonderful play by the local theatre group the Leider Theatre, about the life of Miles Franklin; fireworks; bellringing; night-light displays; and, on Sunday, a tour of the crypt of Sts Peter and Pauls Catholic cathedral. I want to congratulate everyone who has been involved in the celebrations that continue throughout the year: the Goulburn Mulwaree councillors, the community committee, the Regional Conservatorium, the many, many volunteers and of course the Goulburn Post and local radio stations, 2GN and Eagle FM, for a wonderful celebration.

National Close the Gap Day

Senator SIEWERT (Western Australia—Australian Greens Whip) (19:10): Thursday, 21 March—in other words, the day after tomorrow—is National Close the Gap Day. I would like to acknowledge all of those who have supported and participated in this event, which will happen around the country. However, the evidence is clear that there are still significant differences in health, education, employment and social outcomes between Aboriginal and Torres Strait Islander people and other Australians. National Close the Gap Day is an important opportunity to promote awareness of these issues and take collaborative action towards improving the health and wellbeing of Aboriginal and Torres Strait Islander people. I note also that Close the Gap Day is a community owned initiative, whereas Closing the Gap is the government's program for addressing these issues. It may sound pedantic, but it is important to point out the difference between the two.

The Shadow report 2013: on Australian governments' progress towards closing the gap in life expectancy between Indigenous and non-Indigenous Australians outlines some progress in some areas, such as Indigenous child health. Although there has been some progress, unfortunately there is some plateauing in mortality rates in children under the age of five. There has been some
progress in reducing the rates of smoking during pregnancy and increased attendance at antenatal care, at least once during a mother’s first trimester. Early data indicates that the tackling Indigenous smoking and Indigenous Chronic Disease package initiatives are showing signs of being beneficial for adult health and life expectancy in the Indigenous population, which is very promising.

However, National Close the Gap Day serves as a reminder that there is still a very long way to go to close the gap between Aboriginal and Torres Strait Islanders and other Australians. Most Australian jurisdictions will not meet the Council of Australian Governments’ target to achieve equality in life expectancy of Aboriginal and Torres Strait Islander people living in Australia by 2030. There has been an increasing trend of babies of low birth weight born to Aboriginal and Torres Strait Islander mothers. We know low birth weight is associated with later health problems, as well as a greater risk of mortality before the age of five. Funding cuts such as those reported in some states, such as New South Wales and Queensland, will have a potential detrimental effect on any efforts working towards closing the gap. There is also a need for further funding for the National Aboriginal and Torres Strait Islander Health Plan, which is funded until June this year, but as yet there has been no commitment of funds for the next five-year plan. This is absolutely essential.

One of the issues I have mentioned in this place before, and I believe it is absolutely essential if we are going to close the gap in Aboriginal health expectancy and life outcomes, is to ensure that we deal with otitis media, an ear infection characterised by fluid build-up in the middle ear. Unfortunately, if it is left untreated it results in hearing loss. A lot of work is going on in how to deal with combatting otitis media. I very strongly support that work and the funding for that work, but unfortunately this disease strikes so many Aboriginal and Torres Strait Islander people, particularly when they are babies. Babies as young as three months old can get otitis media. In some communities, up to 90 per cent of babies are affected by otitis media. So not only do we need to put in the effort to treat and eradicate this disease; we need to put in the funding resources to address the issues of hearing loss and hearing impairment for young Aboriginal and Torres Strait Islander children.

If a child starting their first day at school cannot hear because of hearing impairment, they will not be able to participate in class. Evidence shows that, if children are alienated from day one in the classroom, they will not engage in schooling and will be unable to meet education standards. We also know that hearing loss has been associated with a number of people in juvenile detention and in adult prisons. The evidence is there that this problem can have a devastating impact on communities. So as well as funding the health plan we need to put renewed emphasis on early literacy and also on programs to address hearing loss.

National Broadband Network

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (19:15): I rise tonight to speak about the coalition’s technophobia and how the Leader of the Opposition refuses to grasp the many benefits that will flow from the National Broadband Network. Recently the Joint Standing Committee on the NBN released its fourth report examining the NBN’s rollout performance. I note the typically misguided comments of Senator Simon Birmingham during the tabling of the report and the confused, directionless content of the
coalition's dissenting report. But, of course, when it comes to distorting information and presenting few viable alternatives for Australia's broadband policy, those opposite me in the chamber have form.

Over the last several years the opposition leader has embarrassed himself on numerous occasions when it comes to discussing the NBN. Few of us could forget his clumsy performance on 7 30 when he confessed that he was not a 'tech head'. In fact, when quizzed on the basics—the absolute basics—of roughly how many towers the opposition would have to build to implement his plan, he responded that he was no Bill Gates. Well, for once, Mr Abbott, I agree with you—you are no Bill Gates. In fact, you do not have any real understanding of broadband policy and your own party's plan is not good enough.

If you are confused about the coalition's broadband policy, you are not the only one. At various points the opposition leader has indicated that he will demolish the NBN, but the opposition's plan has at some points drifted closer to the government's NBN model. In fact, in June last year his communications spokesman indicated he would 'complete the job of NBN Co', but Mr Turnbull has consistently failed to flesh out the coalition's telecommunications policy, promising something different every week. As the communications minister commented last year, Mr Turnbull made 684 tweets, issued 23 press releases and delivered seven public speeches in 2012 but did not release a broadband policy. Also, Mr Turnbull says he cannot yet quantify the cost of his plan, and I use the term very loosely.

As we stand, Australia's telecommunications infrastructure just has not kept pace with the needs of Australians. Many other countries such as Japan are moving ahead with fibre-to-the-home broadband options, but the coalition does not seem to recognise that this is the future. They just are not up to speed—pun intended. I think the following comment from the opposition leader in July last year says it all. Asked about Australia's state of infrastructure he said the NBN was—and this is a direct quote—a '$50 billion investment with borrowed money that we don't need'. What we do need, he said, is 'much more money being spent on our roads, our rail and our ports'. Of course Australia needs continued development of its roads, rail and ports—another area neglected under the Howard Government—but in the 21st century fibre-optic cables are absolutely essential to the modern Australian economy. The NBN is not a 'white elephant', Mr Abbott; it is the future of this country's telecommunications policy.

It would appear that the opposition leader's primary concern is opposing the NBN to gain a perceived political edge. He is opposed to it because his party is intent on thwarting what will be a valuable infrastructure development that will revolutionise the lives of Australians. Like any other policy initiative announced by the government, when it comes to the NBN the opposition leader is a wrecker, not a builder. He cannot explain the basis of his own broadband policy, not only because he is not a 'tech head' but because he does not genuinely believe in it or understand it. As long as he can criticise the government's NBN for being too ambitious and expensive, nothing else matters to him.

There was another scheme which in its time was criticised for being too big, too expensive and a waste. It was the Snowy Mountains Hydro-Electric Scheme. At the time, Australians heard that it may prove irrelevant, a white elephant even, because atomic power would completely replace the hydro scheme. This is just the same sort of
argument we are hearing now from those opposite when they flail their arms around and doubt the value of fibre versus wireless.

Australians rely on capable internet speeds for a variety of commercial and personal uses. Overall, we are enthusiastic users of the internet. The problem is that, after 11 years of infrastructure neglect under the former coalition government, we have fallen considerably behind in terms of global internet speeds. It is a fact that those opposite me in the chamber should be ashamed of. This was a key factor in why the rural Independents did not back the opposition leader. The Independents knew that the NBN was vital for remote and regional Australia and they knew that the opposition leader did not understand the NBN. It must keep the opposition leader awake at night. Depending on who you listen to, he was willing to offer everything to Andrew Wilkie; he was willing to double our refugee intake; he was willing to offer a $200 million zonal tax trial; he was perhaps even willing to sell his own backside. But you cannot fake sincerity, you cannot fake awareness and you cannot fake an appreciation of why fast broadband speeds are so vital. He begged for the top job. He pleaded. He cajoled, he demanded and he did everything he could think of. But he never understood the importance of the NBN and he had no alternatives to offer the Independent MPs. In the end, of course, NBN was the clincher. It was the issue the Independent MPs kept coming back to and it was the issue where the Labor Party held such a clear advantage over the coalition. It must keep Mr Abbott awake. Certainly in Tasmania it was the clincher for why we were so successful at the last election. Shame on you, Mr Abbott, for seeking to cynically exploit the NBN and lower the standard of public debate once again. Shame on you, Malcolm Turnbull, for ignoring your better judgment and betraying the sort of moderate conservatives who value the NBN—the same people who consider you their leader in exile. Shame on you, National Party members and senators, for not speaking up and not pushing harder against the stance adopted by your partner in arms, the Liberal Party, particularly since you know that the NBN will benefit your targeted constituents in remote and regional Australia more than anyone else. Shame on you.

The people of Tasmania, along with Australians everywhere, are eager to take advantage of the NBN, construction of which recently commenced in a number of new locations including South Launceston in my

Senator Kroger: Madam Acting Deputy President, I raise a point of order. I think those comments are totally unparliamentary and the senator's attention needs to be drawn to that. I ask that she withdraw those remarks.

Senator Polley: On the point of order, Madam Acting Deputy President: I think that terminology about what Mr Abbott was prepared to do is actually a quote from Mr Windsor. I think it is on the public record that he said that Mr Abbott was prepared to sell himself.

Senator Payne: Further to the point of order, Madam Acting Deputy President, I have previously been asked by the now President to withdraw similar words used in quotes, and I think that Senator Kroger's point of order is correct.

The ACTING DEPUTY PRESIDENT (Senator Stephens): Thank you. Senator Polley, I ask you not to repeat those words as you continue your contribution.

Senator Polley: Thank you very much, Madam Acting Deputy President. But you cannot fake sincerity and you cannot fake awareness and you cannot fake an appreciation of why fast broadband speeds are so vital. He begged for the top job. He pleaded. He cajoled, he demanded and he did everything he could think of. But he never understood the importance of the NBN and he had no alternatives to offer the Independent MPs. In the end, of course, NBN was the clincher. It was the issue the Independent MPs kept coming back to and it was the issue where the Labor Party held such a clear advantage over the coalition. It must keep Mr Abbott awake. Certainly in Tasmania it was the clincher for why we were so successful at the last election. Shame on you, Mr Abbott, for seeking to cynically exploit the NBN and lower the standard of public debate once again. Shame on you, Malcolm Turnbull, for ignoring your better judgment and betraying the sort of moderate conservatives who value the NBN—the same people who consider you their leader in exile. Shame on you, National Party members and senators, for not speaking up and not pushing harder against the stance adopted by your partner in arms, the Liberal Party, particularly since you know that the NBN will benefit your targeted constituents in remote and regional Australia more than anyone else. Shame on you.

The people of Tasmania, along with Australians everywhere, are eager to take advantage of the NBN, construction of which recently commenced in a number of new locations including South Launceston in my
home state of Tasmania. Over 14,500 homes and businesses can now connect to the NBN fibre network and work is underway to connect a further 70,000 premises. When it comes to broadband speeds, Australia can afford to be bold. One of the disadvantages that Australia faces competing in the global economy is the tyranny of distance. That is why we need to embrace a broadband strategy that features fibre optic cables delivering world-class internet speeds straight to homes and businesses. For too long people living in regional and remote areas in my home state of Tasmania and, in fact, around Australia have had to put up with slow, unreliable ADSL services. Some have endured the frustration of not being able to connect at all. Labor believes that fast broadband should not be seen as a privilege enjoyed by some but rather as an essential utility, just like water or electricity, that should be available to everyone. The NBN will keep the Australian economy expanding and lead to innovations and improvements in the lives of Australians that were not considered possible until now. Look at the benefits not only to businesses and to us as private citizens but for our schools and as far as health is concerned. The only complaint I get when I move around Tasmania—and, in fact, other parts of Australia—is that people want broadband and they want it now. I am very proud that this government has taken the lead after 11½ very long years of the Howard coalition government being in there and not investing in Australia's future or our economy.

Goods and Services Tax

Senator SMITH (Western Australia) (19:25): I rise this evening to draw the attention of the Senate to the ongoing negative impact the current method of GST distribution is having on my home state of Western Australia. As senators will be aware, on 9 March Western Australia had a state election which resulted in a resounding win for Premier Colin Barnett's Liberal team. During the campaign, the Premier said that, if he were re-elected, he would loudly and clearly be raising the issue of GST carve-up with the federal government. I believe the election result is a vindication of Premier Barnett's stance on this issue and a clear sign from the people of Western Australia that something needs to be done to address this inherent imbalance in the current system.

Right on cue, less than a week after the state election, the Commonwealth Grants Commission issued its recommendations for GST distribution. Their recommendation is another slap in the face for all Western Australians. For the first time since the GST was introduced, a state will receive less than 50c in the dollar as its share. The Commonwealth Grants Commission recommendation for 2013-14 is that Western Australia be slashed to an unprecedented low of 45c in the dollar, down from an already low 55c in the previous year. That represents a $370 million loss on the previous year for Western Australia, money that this federal government expects Western Australia to find elsewhere.

Of course, Western Australians recognise that we are part of a successful federation and that our economic success means that there is some responsibility to support those states not doing as well. That is not an issue. But the overwhelming sense of people in Western Australia is that the pendulum has swung too far and that reform of the distribution model is urgently needed to ensure a fairer deal for WA taxpayers. Even the Prime Minister's Western Australian Labor colleagues admit as much. Last year WA Labor leader Mark McGowan came to Canberra to plead Western Australia's case for a fairer share of GST to the Prime Minister. Yet his pleas seem to have fallen on deaf ears. If that is how the Prime
Minister treats her own colleagues, it is small wonder he banned the Prime Minister from setting foot in Western Australia during the recent state election campaign.

In contrast, I was pleased to note a report in the Australian Financial Review on 16 March which stated that the leader of my own party, the Hon. Tony Abbott, the member for Warringah, has been speaking with Premier Barnett about this particular issue. The Premier noted that, while Mr Barnett is open to discussion, the Prime Minister has simply ignored this significant issue for Western Australians. I think that speaks volumes about the Prime Minister's utter contempt for Western Australia. That contempt was on full display during the Prime Minister's recent camping trip in Western Sydney, where she offhandedly dismissed Perth's economy as 'not big'. Next week a significant event will take place in Western Australia: we will at last have a visit from our Prime Minister. By my reckoning, this will be the first time in 135 days that Ms Gillard has dared to set foot on Western Australian soil. Among other things, she will be holding a community cabinet in Perth on 27 March. I am sure all those attending will be pleased to hear the Prime Minister's justification for her remarks and to hear her explain why they should only receive 45c of every dollar of GST revenue the state contributes.

I think it is important to place on record a number of important facts about Western Australia and its 'not big' economy, to use the Prime Minister's words. In 2011-12, Western Australia accounted for 16 per cent of Australia's economic activity. We have 11 per cent of the nation's population residing in Western Australia.

Senator SMITH: Tasmanian senators, I am sure you would love to live and represent Western Australia.

GDP per capita in Australia is $64,000. If you look at just Western Australia, our gross state product per capita is $93,000, 50 per cent above the national figure. In 2011-12, Australia's national GDP rose by 3.4 per cent. Western Australia's GSP rose in the same period by 6.7 per cent. That is the highest level of GSP growth recorded since the ABS started measuring it in 1989-90.

Western Australia's exports 46 per cent, almost half, of Australia's total exports. It is estimated by the by the end of this decade that figure will be closer to 60 per cent. Seventy-three per cent of all Australia's exports to China come from Western Australia. However, according to Prime Minister Gillard, this does not amount to much. Western Australia's economy is 'not big', to use her words. I do hope that when the Prime Minister finally touches down in Perth next week she takes the time to have a quick glance around her. That would make it immediately obvious that Western Australia's economy is rapidly growing.

With that growth, of course, comes serious challenges. Chief among these is infrastructure. With over 1,000 people moving to Western Australia every week, the state is having to make major investments in roads and public transport. These were significant issues in the state campaign that has just concluded.

Senator Carol Brown interjecting—

Senator SMITH: I can understand and have sympathy for the interjections of Tasmanian senators. You are welcome to visit Western Australia to see it for yourself.

Of course, all these new residents have the same need for services, meaning significant investment is having to be made in health and education, in particular. Yet at the very
time when the Western Australia state government is having to invest more heavily than ever in these, we are continually having our GST revenue slashed. Surely senators from other states can see the basic unfairness of what is now occurring. Just remember, 10 years ago Western Australia received 98c in the dollar from its GST payments. Today that figure is 55c in the dollar, moving to 45c next financial year. If the system is not significantly reformed, in two years' time, on current forecasts, that number will be around 25c in the dollar.

It should be obvious to all those in this place that such an arrangement is simply not sustainable. As I said earlier, no-one in Western Australia has an objection to making some contribution to those states, including Tasmania, not performing as strongly, but there needs to be some semblance of balance restored to these arrangements.

Premier Barnett has proposed moving to a model based more on population. Given that Western Australia has around 11 per cent of Australia's population this would help restore a significant proportion of the estimated $2 billion we are currently missing out on.

During my first speech to the Senate in June last year I urged my party to rise to the challenge of undertaking reform in this area. I am pleased that our leader has been holding discussions with Premier Barnett on this issue, and I trust that that will continue. I am confident there can be a win-win on this critical issue to WA's future prosperity. In the GST reform debate, what is good for Western Australia is actually good for all of Australia.

I also hope that the Prime Minister uses her visit to Western Australia next week to revisit her own inaction on this significant issue. The people of Western Australia are punching far above their weight in terms of

Creative Industries Plan for Tasmania

Senator WHISH-WILSON (Tasmania) (19:33): It would be nice if I got an extra couple of minutes—I would certainly love to debate that subject with Senator Smith, being part Western Australian and part Tasmanian myself. From my understanding, my grandfathers and great grandfathers all went and fought for this country—we were all under one roof called Australia. We all shared everything equally. It is very interesting.

I want to talk about something different tonight, which is the creative industries plan for Tasmania. When I ran with Christine Milne as No. 2 on the Senate ticket in 2010, a friend of mine, who was a lecturer at TAFE in digital media, approached me and said, 'Look, I have had this plan for years to build a digital media centre in Launceston.' He not only teaches digital media but is also a well-qualified and internationally recognised documentary filmmaker. He also mentors students. He was lamenting that a lot of talented students going through the TAFE process in the area of digital media were leaving the state, pursuing job opportunities elsewhere. I have taken it a lot more seriously in the last couple of years now that my daughter has turned 14 and my son is 12, because they are already talking about the industries they want to work in and whether they want to stay in Tasmania.

Creative industries are quite fascinating industries. I have spent a couple of years trying to boil down exactly what they are and what they contribute. I noticed with great interest Minister Crean's announcement last
week on exactly the same thing. I was very impressed with a lot of the metrics and statistics he was quoting. I also noticed that last week the New South Wales government put out their creative industries plan, which is one of six planks they wanted to use to grow the New South Wales economy. When I think of creative industries and particularly the merger with those industries in digital media—the ability to commercialise not only creative functions but also IT or ICT—it seems like the perfect industry for Tasmania.

I have been digging around under the surface and I have found there is actually a lot of really good businesses already in Tasmania in this area. Certainly there is a very large growing arts community in Tasmania. Even MONA, for example, which has obviously attracted a lot of international attention, is already looking at how they can now leverage that attention into the digital media space and looking at entities where they can encourage innovation and training.

What exactly are creative industries that can be migrated across into digital media? They are a broad conglomeration of industries: advertising; what is called the built environment, which is architecture; design, which includes fashion, industrial and graphic design; visual arts; music; performing arts; publishing; screen, which is television, film, electronic games and interactive entertainment; and radio. What do all these different features of industry have in common? They are all bound by the element of creativity and are skill- and knowledge-intensive industries. Creative skill and talent pervades their product development, and all sectors create wealth and jobs through the generation and exploitation of their intellectual property. The increasing influence of digital technology is also common to all sectors.

I noticed Minister Crean mentioned last week—and I traced the source to QUT in Queensland and it is accurate, though it might have something to do with the GFC—that in London, which used to be one of the biggest financial services capitals of the world, and it certainly was for exchange rates, the creative industries in that conglomeration of sectors that I mentioned are actually now producing more for the economy than the financial services industries are. I notice that New South Wales also had some very interesting statistics in their industry plan. Creative industries currently employ around five per cent of the New South Wales workforce, with a further 2.1 per cent of the workforce employed in creative occupations in other industries. More people work directly in New South Wales creative industries than those employed within agriculture and mining combined. Employment growth in New South Wales creative industries is nearly double that of the rest of the state’s workforce, their exports are around $1.5—or roughly three per cent—of total state exports and it is also home to 42 per cent of Australia’s design occupations.

The prospect for these industries in my home state of Tasmania is fascinating. In my home state of Tasmania we often lament the fact that we are on an island on the bottom of an island and we have these geographical disadvantages, both with getting our freight across Bass Strait, which is one of the most expensive stretches of water in the world, and the fact that we are isolated in many ways. Technology is the great enabler in bringing us together—and we should be the first to have broadband of one kind or another; whichever one we will get fully rolled out in the next couple of years—and we are now connected. I have worked in teaching online university courses over the years, and it is pretty difficult without
broadband. That is an example of the type of education service that is going to be offered on broadband and it fits very well with the idea of a digital hub.

If you search around on digital hubs, there are two really good case studies that I feel Tasmania should be having a very close look at. The first one is called 'The Edge', in Brisbane. It cost about $6 million to set up seven years ago and, like the concept that my friend John Swindell at TAFE pitched to me, it is a youth centre. It is a collaborative space to bring youth together to generate creativity and generate ideas. It is also a little bit more that; it incorporates the local universities' training courses, and they offer a lot of free training courses and workshops to both youth and adult education. Classes include computer programming, computer design, Photoshop and WordPress electronics, video editing, media law et cetera. They have now created commercial applications in the area of design, and they also offer rental space, along with free wi-fi and use of computers, for businesses passing through the state who want to rent space. On top of that, they have a very significant creative function, which is more a focus on creative projects than IT projects. That includes screen and sound recording studios, art construction studios and computer labs.

From speaking to people who have been through this centre, it seems to have been very successful. However, it is a different model to the digital media centre that I found at Ryerson University in Canada, called the DMZ—Digital Media Zone. It is an incubator for commercial projects. It also takes university students, it brings in commercial partners and it actually involves the university students in the commercialisation of these tech products. It currently employs about 42 people, and it is generating immediate employment in companies—because it has got a large number of commercial sponsors now—for the university students.

All it is is a collaborative space. There are lots of computers there and there is broadband, and what drives it is the energy of the students and the energy of the young people that come into this space. My children do not watch television at all. At 12 and 14, they will not go anywhere the idiot box. They are only interested in looking at digital media content on computers—looking at YouTube; looking at homemade creations. You can do these things from home now.

The future over the next 20 years is going to be in content. The CSIRO identified this in their big megatrends for the next 20 years. Four out of 10 of their megatrends involved things such as experiential services, with consumer preferences being targeted for experiential services as opposed to physical products et cetera. We have identified a lot of areas in Tasmania where we could leverage experiential services through digital media. We have also identified business partners, people who are interested in a project such as this, in my home state. It is absolutely perfect for the future of Tasmania. We have a lot of youth who leave the state. We have a lot of creativity and we have a lot of energy and innovation. If we want to keep it there, we need to help build industries that will keep kids in Tasmania.

We need to help build industries that will keep kids in Tasmania. They do not necessarily want to work on my vineyard or for my wife's business. We find it very hard to find workers for potato farms and even dairy farms. Life on the land is not easy, and kids are looking for other options. This is absolutely perfect for the industries of the future. I would like to see all political parties consider a project such as digital media hub, whether it was in Hobart or Launceston, to help build a new industry. It should not be
that expensive. It is just a matter of getting the right people, getting the right space and getting the right energy in place. In terms of what we can build in a space such as digital media, the sky literally is the limit for the next 20 years.

**Commonwealth Grants Commission: Report on State Revenue Sharing Relativities**

Senator CASH (Western Australia) (19:43): I rise to address the Commonwealth Grants Commission's *CGC report on state revenue sharing relativities, 2013 update*, published last week. Senators will be aware that the Treasurer, pursuant to sections 16, 16A and 16AA of the Commonwealth Grants Commission Act 1973, refers annually to the CGC for inquiry into and report, the question of the per capita relativities to be used to distribute GST revenue among the states, the Northern Territory and the Australian Capital Territory in 2013-14. In response to the terms of reference conveyed by the Treasurer to the CGC on 8 March 2013, a report titled *Report on state revenue sharing relativities, 2013 update*, was forwarded by the CGC to the Treasurer on 12 March 2013 for the consideration of the government which has the capacity to either accept, reject or amend the CGC's recommendations.

I have read the report and, as a senator representing Western Australia, I have to say that should the government accept the CGC's recommendations, the financial outcome will have disastrous consequences for the state of Western Australia. The report recommends a reduction of $549 million in GST distribution for 2012-2013 and a further reduction of $379 million for 2013-2014. These proposed reductions come on top of significant reductions in previous years that have already been borne by the state of Western Australia.

I should also say that given the contempt this Labor government has for the people of Western Australia, it is highly likely the Labor government will continue to punish Western Australia by adopting the recommendations in the report. The Prime Minister's well-known contempt for the people of WA was no doubt a contributing factor for the significant loss that WA Labor suffered at the recent state election, and: these sentiments were expressed by the former Labor Minister Alannah MacTiernan who last week, just two days after the election, on the ABC program *The World Today*, said:

There is absolutely no doubt from a West Australian point of view you would say, you would plead with Julia Gillard to stand down. That the people just do not accept her as the Prime Minister—

In their latest 2013 relativities report, the CGC is recommending that Western Australia's share of the 2012-2013 GST distribution be reduced by $549 million. That is just over half a billion dollars, by far the greatest reduction of any state or territory and in fact more than twice the amount of any other state or territory. Our Premier, Mr Colin Barnett, has already expressed his frustration with Canberra and has indicated that Labor's attack on Western Australia's finances will cost us projects and jobs. Only last Friday, *ABC News* reported that West Australian Premier Colin Barnett had described the proposed $549 million reduction in the state's GST return as 'outrageous and galling', saying that the decision is a huge blow to Western Australia's finances and cuts will have to be made. Mr Barnett said:

… for the first time in Australian history, a state's share has fallen below 50 cents in the dollar.

That means we've got to cut back on expenditure and education and health, those services.
That's grossly unfair for a growing state where over 1,000 people a week are coming to live in WA.

How can the WA state government be expected to plan with certainty when it is faced with the uncertain outcomes from the CGC methodology, method reviews and annual updates? How can WA continue to be the economic powerhouse of the nation when it is faced with these fiscal distortions which impact on its economic decision making and destabilise those making investment decisions intended to generate future economic growth, not just for Western Australia, but also for the benefit of the nation as a whole?

Even the most ardent of Labor supporters would have to concede that Western Australia is making a massive contribution to the national economy and that contribution assists in providing improved living standards across Australia. Why then does Labor want to destroy opportunities for growth in WA which will ultimately benefit all Australians? We know that the Gillard Labor government has nothing but contempt for the people of Western Australia and that Labor's mining tax and carbon tax were aimed at our mining industry and have had a detrimental impact of Western Australia. But you have to ask the question: why does Labor want to kill the goose that has been laying the golden egg and providing the federal coffers with much-needed funds so Labor can introduce its failed schemes and programs like the $3.5 billion pink batts disaster, or the $275 million Green Loans debacle, or the massive wastage identified in the $16 billion Building the Education Revolution? That one was identified by Labor's own BER Taskforce headed by Mr Brad Orgill, which recommended the program cease in its current form because of the wastage and failure by Labor to properly manage it.

I ask why is Labor on a political suicide mission because the CGC report, apart from recommending that Western Australia lose $549 million of funding in this financial year, goes on to recommend that Western Australia lose an additional $379 million in the next financial year, 2013-2014? This is from a projected GST distribution of $2,870 million in 2012-2013 down to $2,491 million, representing a reduction of $379 million for the state that works hard to produce national wealth that benefits all Australians.

WA is the only state that will see a fall in its GST revenue in 2013-2014. All other states and territories will see an increase in their GST revenues, and I refer to table 2 on page 4 of the CGC report which shows the following net increase or decrease for fiscal 2013-2014 compared to fiscal 2012-2013 as follows: New South Wales will receive an additional $974 million; Victoria an additional $444 million; Queensland an additional $1,379 million; South Australia an additional $142 million; Tasmania an additional $118 million; the ACT an additional $79 million; the Northern Territory an additional $23 million; and Western Australia is the only state which is receiving a negative $379 million.

Again I reiterate that the only state to show a reduction in GST distribution is Western Australia. I can assure you from the conversations I have had in the last week that the people of Western Australia are not happy with this situation given the massive contribution that Western Australia makes to the gross national product.

Western Australia has argued for years that the CGC needs to recognise the flaws that exist in the present system. Western Australia has consistently said—I refer to WA's 2007-2008 economic and fiscal outlook budget paper, which has set out...
some of the obvious flaws in the CGC process—that WA continues to be penalised for the work it has done in the past in encouraging mineral and petroleum exploration, which has now matured into economic benefits for the whole of Australia; and the current CGC formula fails to take into account the real costs of economic success and in its present form has the effect of rewarding failure or non-achievement rather than rewarding success and recognising the costs associated with achieving that economic success.

We need a CGC formula that rewards best performance and embraces the principles and concepts of competition and productivity. This formula must avoid ambiguity and be able to respond promptly to changes in economic issues and changing economic circumstances. Success must be encouraged and rewarded; failure must be discouraged. We need a CGC formula that rewards best performance, embraces the principles and concepts of competition and productivity and does not destroy the opportunities for growth in Western Australia that will ultimately benefit all of Australia. (Time expired)

National Cultural Policy

Senator SINGH (Tasmania) (19:54): I take great pleasure in speaking to the chamber tonight about a passion of mine, one I have a personal connection with and one that is also entwined in the lives all individuals whether they are aware of it or not. What I speak of is the arts and, more broadly, Australia's connection with culture and its creative industries. Diversity though, as I have spoken about before in this chamber, is what I believe defines our Australian culture. Diversity of language, arts and culture is what I believe to be our nation's strength. Our nation needs to focus on our strengths in order to deliver a rich future for generations to come.

I am fortunate enough to have grown up in a state that has always had a very strong arts and vibrant cultural scene, as I know many other states in Australia also share. The appreciation of our natural environment, the somewhat remoteness of our island state—Tasmania—but also the connectedness of the Tasmanian community has helped to create such a scene. One only needs to wander through Tasmania's iconic Salamanca market on a Saturday to witness first-hand the talent and innovation on display: the jeweller who has crafted wares from our natural resources, the furniture makers using our Tasmanian oak, the fashion designers selling their first collection, and the young musician busking outside the pub.

This industry and the artists who enrich our daily lives and add to our cultural vitality need to be appropriately supported and recognised. History reveals a society that is quick to embrace our sporting champions through public support for the Olympics, sporting teams and their budding stars, but when it comes to the arts our society appears to lack the awareness of its power upon the cultural life of all Australians. However, last week at the National Press Club I had the privilege of witnessing Labor's arts minister, Simon Crean, releasing the much-anticipated national cultural policy Creative Australia.

Creative Australia is an investment of $235 million into the creative industries with $195 million of that investment being new money. This new policy comes 19 years after Paul Keating took on the ambitious task of delivering Creative Nation, the very first formally developed cultural policy released by the Australian federal government.

Labor has a strong and proud history of recognising the vitality arts and culture delivers to our nation. That is why it has been Labor who has provided the direction in this area and delivered two very bold,
ambitious, but very achievable blueprints for our nation's future. Upon handing down Australia's first cultural policy, Prime Minister Paul Keating stated:

This cultural policy is also an economic policy. Culture creates wealth … Culture employs … Culture adds value, it makes an essential contribution to innovation, marketing and design … It attracts tourists and students. It is essential to our economic success.

Keating understood the rich social dividend of focusing on the arts for individuals, the nation and the economy.

What this Labor Government released last week was a policy designed for the new digital and global age we now find ourselves in. It is a model that acknowledges the role of the arts, our cultural heritage and creative industries in modern Australia. It celebrates our culture by placing it at the forefront of our future. It is about creating opportunity by providing Australians the skills, resources and recognition they require to play an active role in shaping our nation's future. As stated in our newly released document:

Culture is not created by government, but enabled by it.

It is up to us as individuals and as a collective to recognise the valuable contribution the artist makes to our society. It is only through the empowerment of individuals that we can create an inclusive and productive society.

In Tasmania we appear to be experiencing a growing cultural renaissance. This, I believe, is in no small part due to the extraordinary impact of the Museum of Old and New Art—MONA—founded, built and curated by Tasmanian David Walsh. Our new national cultural policy rightly proclaims:

... the project has invigorated the town centre and made it a place where they want to be. In turn, this makes Hobart more productive and competitive.

As thousands of people flock to the Louvre in Paris, MONA is also a huge drawcard for international visitors. Since opening in 2011, just over 781,000 people have visited the world-class museum. Twelve per cent have come from overseas and 52 per cent from other parts of Australia.

The artists, musicians, dancers and authors who enrich our daily lives and add to our cultural identity need to be supported and recognised. Indeed, MONA employs some 170 full-time staff from gardeners to curators. A massive 85 per cent of the museum staff are practising, studying or graduated artists.

MONA complements Tasmania beautifully. The museum, on the grounds of the Moorilla winery, is a three-level structure carved strategically into the cliffs overlooking the idyllic Derwent River. It houses an extensive display of over 400 artistic works from David Walsh's own private collection. It hosts exhibitions by local artists and is frequently used as a performance venue for festivals introducing international acts, local talent and upcoming Tasmanian musicians. It is now home to the local MoMa market on the weekend, where locals can sell their produce, and provides a platform for local artists to perform and introduce their talent to the community.

This year Tasmania was listed at the top of the industry news website: Artshub's 10 best places to work in 2013. Prior to this accolade, Hobart made the Lonely Planet list of the top 10 cities for 2013, and the city was also listed on the popular travel website TripAdvisor as one of the top 10 destinations on the rise. A secure future for MONA is good news for the local community and for all who support investment in the arts.

In Tasmania we are seeing creativity becoming a driver of enterprise and innovation as a result of our investment and
recognition of the arts. Never before has our island state witnessed such a display of inspiration. Last weekend Tasmania displayed why it is quickly becoming recognised as a hub of culture and creativity; hosting the biennial international arts festival Ten Days on the Island. Ten Days also coincided with the reawakening of the Tasmanian Museum and Art Gallery, which has undertaken a remarkable $30 million transformation signifying a record investment of public funds into cultural infrastructure. The investment is clearly paying off with 14,000 people flooding through on that weekend, including families with young children who were exposed for the first time to some of our Aboriginal heritage, art and culture.

Tasmania's cultural festivals are set to continue with the Tasmanian Writers' Festival commencing this weekend. In April the Nayri Niara Indigenous cultural festival will run for three days and Hobart's Theatre Royal will become home to the very first Hobart Baroque festival. Through June till November we will also feature festivals including the inaugural Dark Mofo, a spin-off from MONA, the much loved Festival of Voices, Junction Arts Festival and the Breath of Fresh Air Film Festival to name a just a few. It is no wonder it was revealed in the Australian Bureau of Statistics that more Tasmanians attend theatre performances than people in any other state.

One major development announced last year is the exciting project jointly funded by the federal and state government, the Academy of Creative Industries and Performing Arts. The academy will be the new home to the University of Tasmania's prestigious Conservatorium of Music and will also house a new performing arts space and recital hall and amenities for the Theatre Royal, Australia's oldest operating theatre.

I am confident that Creative Australia, although long overdue, will provide the right framework to build on our already burgeoning creative culture. This 10-year framework will give our next generation of creative talent a strong and viable future through the establishment of the ArtsReady program, an extension of the government's SportsReady grants program. We are able to grow and support young students in their field of talent.

I believe the recent comments made by Australia Council chair, Rupert Myer, adequately sum up the flow-on effects of introducing a strong creative framework. He said:

New arts funding through the National Cultural Policy will not only fuel creativity, but also jobs, future industries, health, education, exports and pride.

I believe it is evident that this policy and the economic and cultural value it will harness is definitely worth waiting for.

**Therapeutic Goods Administration**

Senator XENOPHON (South Australia) (20:03): When it comes to health care, as consumers and laypeople, we trust in our doctors, our nurses and our hospitals. But in the last few years, a question mark has been raised over just how much trust we should be investing in our regulator, the Therapeutic Goods Administration, known as the TGA. I have spoken in this place before about increasing problems with regulated medical devices.

In particular, these concerns sparked two community affairs committee inquiries, one into medical devices generally and one into PIP breast implants. The first inquiry looked broadly at regulatory issues, and then focused on the problems with DePuy hip replacement devices. During the inquiry, we heard from many people whose health and
quality of life had been destroyed by these replacements.

Using 'metal on metal technology', a fault with the devices meant the metal layers gradually wore away, leaching chemicals into patients' bloodstreams. Microscopic shards of metal ground off the devices and embedded themselves in flesh and bone, causing inflammation and tissue death. In some examples, the bone itself was destroyed and patients are now having to go through additional painful surgeries to try and regain some mobility.

The Australian National Joint Replacement Registry, the NJRR, was instrumental in providing advice and information to the committee. As it turned out, they had provided the TGA with information about high revision rates for the devices a significant time before the TGA acted on it. In one case, data supplied to the TGA by the NJRR in September 2008 was not discussed by the TGA's Orthopaedic Expert Working Group until December 2009, after the NJRR had also supplied the TGA with the 2009 report. Even then only 10 of the 30 devices flagged in the 2008 and 2009 reports were addressed in the meeting. Some of the devices flagged in the NJRR reports were not discussed until 2010. The devices were finally withdrawn, some years after the NJRR starting flagging concerns about their performance.

Because the NJRR is so comprehensive—it has an almost 100 per cent data collection rate, even though it is not compulsory—it has been able to provide thorough, independent information that can be used to track the performances of individual devices. The NJRR is operated by the Australian Orthopaedic Association and, unfortunately, is only limited to joint replacement devices.

At this stage I want to pay tribute to Professor Stephen Graves from Adelaide and his team with the National Joint Replacement Register, because it is world class. In fact, other countries seek advice from Professor Graves and his team about the quality of their work, and for that I think we should all be grateful.

The absence of this type of registry had a significant impact on the PIP breast implant case. When the devices were withdrawn, there was no reliable source for data such as how many had been implanted, which surgeons had performed the operations and who these devices had been implanted in. Madam Acting Deputy President Moore, you sat on that inquiry and you are well aware of the evidence that we heard of a company based in France, which has since gone broke—bankrupt—and of the real questions about the integrity of that company and flaws in the design. The committee went on to recommend that the Department of Health and Ageing establish an opt-out registry for breast implants.

I want to make mention of the Australian Society of Plastic Surgeons, which is currently trying to establish a breast implant registry along world's best practice lines. The Department of Health and Ageing has since released a regulation impact statement in relation to establishing clinical device registries. This statement presents three options for discussion: maintaining the status quo, establishing national registries or establishing hospital-based registries. The statement recommends the establishment of national registries, but there seems to have been no further progress since then. That is just not acceptable. There are still some concerns about how national registries would be formed. Hand in hand with the need for registries is the need for a culture of mandatory reporting by medical practitioners. Without a complete picture, the information becomes meaningless.
Last week, I met with representatives of the Heart Foundation. They were visiting members of parliament and senators to try and get the minimal amount of funding they need to establish and maintain a registry for heart devices. The Heart Foundation is asking for just $2.5 million a year. In terms of preventative health dollars, this is almost nothing. We know the benefits such a registry would provide: better informed regulators and practitioners, a better level of care and better patient outcomes.

But still we are dragging our feet. Only yesterday the TGA announced yet another problem with a metal-on-metal hip replacement device. They are using the same old model. Possible recipients need to contact their surgeons for more information, but how are possible recipients supposed to know to do that in the first place? What if they have moved and their surgeon cannot contact them? What if they do not constantly monitor the TGA website to see an alert? What if they do not religiously comb other media just to make sure a device they might be implanted with has not been recalled?

The NJRR is fantastic, but it is limited—in part because of its budget—in the amount of information it can collect. An appropriately resourced registry can use a multitude of measures to make sure people who have been implanted with devices can be contacted by the regulator through Medicare accounts and other information. The Heart Foundation is pushing for more registries to be established, because they know it leads to better outcomes. One of the examples they provided me with was the New York State Cardiac Registry, which was established in 1988. As a patient, you now have a 30 per cent lower risk of dying as the result of a cardiac procedure in a New York hospital compared to the rest of the country.

Approximately 50,000 Australians were admitted to hospital with cardiac failure in 2001-02. If more effective treatment of acute ischaemia reduced this rate by just two per cent—or 1,000 fewer admissions—the savings would equate to 7,500 bed days or approximately $8 million. Approximately 35,000 Australian patients also undergo PCI, otherwise known as angioplasty, annually, and about three per cent of these experience prolonged hospitalisation following the procedure, due to complications. An average hospital stay is approximately four days, but with complications this doubles. If the rate were reduced from three per cent to 1.5 per cent through improved monitoring and benchmarking, the savings would equate to 2,100 bed days or approximately $2.3 million dollars. These savings, in exchange for better practice, make the expenditure on registries an excellent investment.

We have now reached the stage where medical devices are relying more and more on emerging technologies to try and produce a better product. Unfortunately, the very nature of these devices means pre-market testing on how they perform in the human body is limited. Therefore, we, and the regulators, rely on post-market monitoring to pick up any potential issues. Unfortunately, this is where the lack of registers has let Australian health consumers down.

As an example, I want to share the story of one of my constituents. He recently underwent his fifth operation to try and correct the damage caused by one of the DePuy hip devices. The biggest difficulty is that his femur has a fracture that will not heal due to the damage caused by the microscopic pieces of metal that flaked off his hip replacement. At this stage, he is not sure how many more surgeries he will need, and whether he will be able to regain his mobility. He is waiting on compensation from Johnson and Johnson, but the legal
system takes time, and I do acknowledge the efforts made by that company—the manufacturer of the device—to try and expedite a number of claims. He had his original hip device inserted in 2007. At the time, he was only 37. He is now in his early 40s, with the rest of his life ahead of him. He is fortunate that the problems with the DePuy devices were picked up when they were, and not even later. But a whole scheme of properly resourced and operating registries would mean his chances of having it implanted in the first place would have been much slimmer. In that case, he would not have gone through five surgeries, he would not be living in pain, and he would be living his life to the full.

To me, that's worth more than any dollar amount, and that is why it is important that we learn from the mistakes of the past. It is important that we heed what the Heart Foundation is calling for—$2.5 million worth of funding, which will make a huge difference. It will pay for itself many times over, let alone the level of pain and suffering, needless hospitalisation and, may I say, in some cases death, as a result of not having a properly funded, properly operating registry. The time has come. I only hope that this government, in the May budget, will allocate a measly $2.5 million that will save many lives and save the health system many millions of dollars each year.

**DISTINGUISHED VISITORS**

The ACTING DEPUTY PRESIDENT: We do acknowledge the presence of former Senator Guy Barnett in the chamber, and with him, the new president of Diabetes Australia.

Honourable senators: Hear, hear!

Mr Barnett and Ms McKenzie were then seated accordingly.

---

**ADJOURNMENT**

**Education**

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (20:13): I also acknowledge this, and I wish to assure our former, distinguished Senator Barnett that I am still carrying the pedometer which he gave me, and as of this moment I have done 1,582 km around Parliament House today.

But that is not the reason for me rising this evening. What I do wish to speak to is the very lamentable widening gap now in education opportunities in Australia. Obviously we are all well aware of this gap and we focus often, as we should do, on the difference between those in low-socioeconomic areas and those in higher socioeconomic areas. But I want to focus, if I may, in my contribution this evening on those in rural areas of Australia. Only last week, in an inquiry by the Education, Employment and Workplace Relations References Committee into teaching and learning, did we learn these figures from the Isolated Children's Parents' Association in New South Wales, if I may explain them.

The NAPLAN New South Wales 2011 figures for year 9 students show for writing skills that 11 per cent of metro students failed to meet the standards, whereas in remote areas of New South Wales, it was 47 per cent, four times the number. And in the very remote areas, 50 per cent failed to meet the required standards under NAPLAN.

I want to focus again tonight on the ever-widening gap that is occurring between urban Australia and rural Australia in so
many areas, particularly at this moment in education. We hear quite often in this place, led by my colleague Senator Fiona Nash, of the tremendous and gross inequities that are now occurring, particularly in relation to financial support at the tertiary education level. I am an example, as many others are. I could not study veterinary science in Western Australia. My parents were in a low-socioeconomic sector and had it not been for either Commonwealth scholarships or, in my case, cadetships I would not have been able to study veterinary science at the University of Queensland, which is in your home state, Madam Acting Deputy President Moore.

We are seeing across the board now that there is a wide gap between those students who can reside at home to undertake tertiary and other postsecondary studies and those who must travel. There are serious inequities and they must be addressed. The government, of which you are a member, Madam Acting Deputy President Moore, quite rightly addresses the question of those who do not have access to higher education, tertiary education and VET skills education. It is those from rural and remote areas who are missing out.

I will give you another statistic. In 1984 four per cent of those residing in rural areas in Australia had tertiary qualifications whereas 10 per cent, two and a half times that number, of those residing in metropolitan communities had tertiary qualifications. Let me go from 1984 to 2007. By 2007 the number of people in the wider community with tertiary qualifications jumped two and a half times—the number went from 10 per cent up to 25 per cent. A quarter of the wider community had tertiary qualifications by 2007, but that lamentable figure of four per cent for people in rural communities who had tertiary qualifications had only risen to seven per cent. If time permitted I could give you the equivalent figures for those in the VET sector.

In June 2012 it was my privilege as the Chairman of the Senate Education, Employment and Workplace Relations References Committee to present to the Senate a report and recommendations on higher education and skills training to support agriculture and agribusiness in this country. Tomorrow I hope a motion will be before the Senate that actually recognises that report and its recommendations. There were a number of recommendations that I will go through in the next few minutes. The regrettable point is that at this moment, nine months after that report was tabled and six months after the time when the government should have responded to the report and its recommendations, we still do not have a response from the government, although this was a report that had complete support across all sectors. The Greens political party supported the report and recommendations and my colleagues from the Labor Party did not oppose any of the recommendations in the report, although they did put in additional comments. So this was not a controversial report, and its recommendations were I thought resoundingly supported; and yet, six months after the required time for a response from the government, we do not have one. In the motion I gave notice of, which hopefully will be presented tomorrow, I want to address that in some more detail.

The report highlighted again that with the demise of interest in higher education in the agriculture and agribusiness sector in Australia we now have only some 700 graduates a year going into a market where there is demand for in excess of 4,000—I think it is estimated to be for 4,300 graduate positions per year. That is a good story. Graduates from school going into university and higher education would say that quite clearly there is demand in that sector.
The recommendations of that report went to issues like encouraging greater understanding by children and teachers in metropolitan and regional centres of the importance of agriculture in our community, the cost-effective delivery of postsecondary skills and higher education in this country and options for more effective collaboration between institutions and their relations between federal, state and other providers. As I think it is known in this chamber, I had the privilege of lecturing at an agricultural university in Western Australia in the 1970s and 1980s. At that time there were very proud agricultural and agribusiness organisations and colleges, but we find today that very few, if any, exist. Muresk in WA, about which I speak, is no longer there. Roseworthy in South Australia is now mainly a veterinary school. Glenormiston in Victoria has gone. Marcus Oldham, the privately owned agricultural institution, is looking at what its future might be—possibly associated with others. The Hawkesbury Agricultural College in New South Wales could not attract first year students last year. In your home state of Queensland, Madam Acting Deputy President Moore, the once Gatton Agricultural College is now principally a veterinary school. So this report and its recommendations went to the reasons, opportunities and options that the government should be looking at. I really do hope that, as a result of the debate that will go on, we do see some focus by government.

In my concluding remarks I wish to draw attention to the launch tomorrow of the Agribusiness Council of Australia that will take place in the main committee room here in Parliament House. People might say that agriculture is well represented—and of course it is—but the Agribusiness Council of Australia will be looking more at representing the interests from the farm gate to the consumers' plate. Most of the organisations associated with agriculture in this country are focusing on the production side of agriculture. But we know that probably 80 to 90 per cent of the entire agricultural budget is really beyond the farm gate. It is that area that the Agribusiness Council of Australia will come into existence to represent. If we look around the world, we will see that agribusiness is the largest industry in the world. It is the third largest industry in this country. We are talking, of course, about everyone associated with the supply chain, its logistics, the transport, the storage, the examination of foodstuffs, the placement of food and the retailing of food—all of those areas of immense importance to consumers.

One of the objectives of the Agribusiness Council of Australia—in concert, I believe, with the recommendations that I have briefly outlined this evening of the report that we placed before the parliament—is to bridge that gap between urban Australia and rural Australia, to bring to the consumer the importance of all of those aspects associated, firstly, with production, and, secondly, with all of those aspects that take place beyond production to the point where the product reaches the consumer.

Mining: Kangaroo Island

Senator WRIGHT (South Australia) (20:23): Tonight I would like to take the opportunity to draw attention to a place that is too precious to lose. It is a place that is seriously threatened by attempts to expand an industry which, in the face of increasingly dangerous climate change, is now an anachronism: mining for fossil fuels at the end of the fossil-fuel age.

This is a marine environment in a special region called the Kangaroo Island canyons and Kangaroo Island pool. It is a region of huge importance, both to wild life and to the rural communities of Kangaroo Island and
the Eyre Peninsula, in my home state of South Australia. These are communities that are based on fishing, farming and tourism. They are communities which are treasured by South Australians and they are communities which are important to the South Australian economy.

The Kangaroo Island canyons and pool make up a flourishing area, with deep canyons where sperm whales dive for squid, spreading plains where sea lions forage and nooks and crannies where rock lobsters thrive. It is a region that is rich with the ancient upwelling waters from the Southern Ocean and the pounding force driven by the Leeuwin Current far to the west. Here we can also find majestic blue whale, southern right whales, dwarf sperm whales, beaked whales, fin whales and sei whales, as well as significant numbers of other cetaceans. It is also home to Australian sea lions, New Zealand and Australian fur seals, a number of nationally threatened seabirds, great white shark, school shark and the endangered southern bluefin tuna.

Unfortunately, this is also place where Bight Petroleum proposes to survey around 3,000 square kilometres found 105 kilometres to the west of Kangaroo Island and 68 kilometres to the south of Cape Carnot on the Eyre Peninsula.

Bight Petroleum are looking for oil and gas. In their hunt they propose to use a so-called dual source array, a series of airguns, each up to 3,250 cubic inches, operating at a pressure of 2000 psi, to survey the ocean floor. The sound intensity generated with the array will be 228 dB in relation to water. Bight plan to operate this array for 55 days over a two-month period. This will involve sound shots every 11 seconds, or 25 metres, transmitted continuously day and night. By any measure, the sound it makes will be loud, aggressive and relentless. It is a sound that none of the marine creatures in this region are adapted to tolerate. Imagine, Madam Deputy President, the sound and vibration of a cannon exploding nearby every 11 seconds for two solid months.

Decades of peer-reviewed science and research tell us that seismic surveys harm marine mammals and fish, and that the consequent loss of prey can harm whole ecological systems. In the end, this region is so precious both to marine species and to human beings that precaution must win the day. Local rural economies are highly dependent on their environmental integrity. For Kangaroo Island and the Eyre Peninsula this includes the marine environment that surrounds them. This proposal threatens these communities in serious ways.

The Kangaroo Island community, in particular, has little resilience because it has a resident population of just over 4,500 and yet receives 200,000 visitors each year. In 2011 to 2012, 40,000 of those visitors were international tourists. The island economy is based on tourism, agriculture, fishing, forestry and a range of activities that service these industries. It has a high employment participation rate of 70 per cent and a lower than average unemployment rate of four per cent. These figures are the result of the fact that residents do not stay on the island when jobs are not available.

Any impact on the fishing or tourism industry poses a significant threat to the population of the island and this then undermines the community social structure and social resilience. For instance, a loss of one fishing family from the island will lead to the loss of key members of the local CFS, fire brigade, ambulance service and sporting teams. A loss of one fishing family removes children from schools and can lead to losses of whole businesses from the island. The social history is broken. The loss of a family...
can also represent the loss of future generations as most of the Kangaroo Island fishers and farmers are generational. These families see their businesses not only as monetary assets but also as something they are able to pass on to future generations. The social and economic ripples are felt so much more acutely in small rural communities like this than in large, more resilient cities.

The Kangaroo Island community has been brave and has vigorously engaged in responding to this proposal of Bight Petroleum. The Kangaroo Island council requested that both Bight and the federal government referral process be transparent and take into account the concerns of the island's fishing, tourism and environmental community. The council provided a highly detailed document to Bight Petroleum in mid-2012, which carefully articulated the community's concerns, including the potential impact on Kangaroo Island’s rock lobster and fin fishing industry, its tourism reputation and the impact on marine species such as Australian sea lions and migratory whales, as well as resident common and bottlenose dolphins. The council also voiced its concern that the exploration lease carried an implied commercial expectation to advance to production, and yet the potential risks from production, including a permanent rig, increased shipping, and the potential for an oil spill have not been considered in the process.

Since Bight’s original referral, many individuals have provided extensive valuable hours of unpaid work. There has been open and productive debate in the local paper, and the community has developed a strong consensus of concern. But despite this, the burden of proof has been deftly shifted. With its concerns dismissed by Bight Petroleum without any substantiation, the community is now forced to prove its case.

The first referral for approval of seismic testing was submitted by Bight on 15 October 2012. After weighing the evidence, on 9 January 2013 federal environment minister, Tony Burke, declared it a controlled action on the basis that it posed a risk to threatened and migratory species and the marine species which make up the ecology of the famed Kangaroo Island canyons and pool. He instigated a process which would require Bight to make the documents available and to undertake consultation. But then on 12 February this year, Bight withdrew their original referral. They made some minor amendments and submitted a new referral on 4 March, effectively circumventing the consultative process established by Minister Burke. The most significant alteration to the new referral is the window for operation, which has been moved for the period 1 March to 17 May 2014. There have been some small concessions on the use of passive acoustic monitoring for whales and increasing the marine mammal observers from two to four. But, importantly, the new referral has failed to address the potential risks and concerns previously raised by the Kangaroo Island council, dismissing them as 'insignificant'.

Bight Petroleum also claims to have consulted extensively with the community, but they have not. There has been no contact to speak of with the Kangaroo Island council or community since before the first referral was submitted in October last year. The proposal also includes technical flaws, which raise concerns. The 3,250 cubic inch array they now propose to use is not the same as the less powerful array that was previously proposed and that was modelled by Curtin University in 2012. The two arrays are different, but only the old modelling has been provided. Bight simply cannot conclude that the sound intensity will be limited to 228 decibels. Nor can they conclusively
demonstrate the level of exposure that resident and migrating species will experience at different distances from the array.

The recently released Commonwealth South-west Marine Bioregional Plan identifies this precious region as a key ecological feature. The people around Australia and overseas agree. I understand that in the past two weeks Minister Burke and the department of sustainability and environment received more than 20,000 public comments on Bight's new referral. This is a significant and important signal for the government, especially given the extremely short time frame—just two weeks—and the technical complexity of this issue. The evidence of harm is strong. The community has spoken. This referral poses too many risks. The government should listen to the people and to its own bioregional plan and reject the proposal from Bight Petroleum once and for all. Ultimately, the Australian Greens join with the community in saying there should be no oil and gas exploration in this region simply because this region is too precious to lose.

Serbia

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (20:33): A couple of days before Christmas I got a phone call from a very distinguished and senior member of the Bosnian community in Victoria, a gentleman by the name of John Bosnich, who was trying to persuade me to participate in a personally organised trip to Serbia—a place where there has not been a parliamentary delegation from Australia before. In fact, only one Australian minister has visited there, close to 20-odd years ago. It was on the basis of a personal invitation that was extended by the Serbian president, but as a first step towards further engagement between the Serbian parliament and the Australian parliament—withstanding the fact that it was not an official delegation.

Mr John Bosnich is a very persuasive individual. I was seriously tempted to spend a few days with my family in early January, but I decided that I would join three members from the House of Representatives: Mr Luke Simpkins, Mr Chris Hayes and Mr Steve Georganas. The reason I am raising it tonight is the Serbian ambassador, Dr Neda Maletic, is leaving Australia at the end of her three-year term here. She is leaving at the end of the month. I wish to put on the record our appreciation for the extraordinary work that she did to put together what was an incredibly comprehensive program. Not only that, it also provided a great opportunity for a very small number of parliamentarians to get an understanding of the economic, social, cultural and political landscape of Serbia post-Balkan war era. We saw the way in which they are really doing everything they can to rebuild that country after what has been an incredibly volatile and very difficult time for them over the past 20 years.

I want to acknowledge and thank Dr Neda Maletic at the outset for the enormous amount of work she did to put this trip together for just the four of us. The professionalism and the courtesy that she showed in putting the program together was second to none, and I really wish to table my thanks to her and to applaud her for the way in which she put that program together. It was a particularly comprehensive visit.

Not only did she coordinate it but she made sure that we did not go astray. She returned to Belgrade with us, travelled with us, attended all the meetings with us. She is a wonderful representative of the country. She was and is an extremely effective advocate, a gracious host and, I have to say, was relentless in ensuring that we had every
opportunity presented to us so that we could fully explore and appreciate the history, heritage and economic and political climate of Serbia.

In essence we had a week of back-to-back meetings with a number of very senior people from the President down. We were first met by the Australian Ambassador to Serbia, her Excellency Dr Helena Studdert, who gave us an exceptionally good overview. Senator Payne, I acknowledge your saying what an exceptional diplomat she is, because she really demonstrated that on our arrival. She gave us a terrific overview of what we could expect and the sorts of things we should consider exploring whilst we were there. That made the whole experience so much more valuable.

On the second day we went to the National Assembly and met with a wide range of ministers, backbenchers, committee members and members of all political parties. They have a very interesting political system, which I will not attempt to describe. They provided us with the rich, complex political system that the Serbian parliament is. It was very interesting and I will identify a couple of things I think you might be particularly interested in, Madam Acting Deputy President Moore. Some 38 per cent of members of parliament are women. This representation is achieved through what the Labor Party would describe as a quota system, even though that is not what they call it. The preselection system that applies there mandates that across all parties a minimum number of women in parliament are elected at each election. The parliamentary procedures and comparisons between the two systems were also made, with 80 per cent of the Serbian cabinet attending each question time, whilst the President himself attends only on Thursday. I think this is something that the Prime Minister might like to avail herself of. It is interesting to note that there is a minimum number of women that are not only preselected but have to be elected at each election.

One meeting I found particularly valuable was with SIEPA which is the Serbia Investment and Export Promotion Agency. The meeting was particularly informative because it presented the enormous opportunities that we could avail ourselves of as a country trading with Serbia, and the opportunities that are presented with the economic climate that exists in Serbia. I will go through a couple of those, because they indicate why it is an area that we should continue to explore and encourage business to consider further. I note that we have mining companies in Serbia at the moment which are researching and looking at developing and investing further there.

The GDP in Serbia has dropped from 5.4 per cent in 2005 to minus two per cent in 2012. We heard that the average median wage is around 370 to 400 euros per month. The Serbian population are a driven population, who want to work. They want to be given opportunities to provide for their families. They have a very conservative hardworking ethic that they apply to all their endeavours. The unemployment rate in many parts of Serbia is up to 19 per cent and in some more rural areas it is a lot more than that. This is a real problem for the country and one that they are trying to combat by seeking foreign investment in the country so that they can expand industry, particularly manufacturing industry and tourism. Whilst we did not have an opportunity to appreciate the full benefits that could be explored in that regard, I saw that the history of the place is extraordinary. This history provides a lot of tourism opportunities.

An area that particularly interests me is the agricultural sector. Everything that is
produced in Serbia is organic, and it is the one thing that differentiates Serbia from all of their neighbours. They produce something like 70 per cent to 80 per cent of the raspberry production of the world. That is largely because these raspberries have not been sprayed with insecticide. There is a great opportunity for them to increase productivity. Irrigation is very poorly applied. It is essentially non-existent in Serbia. There is a great opportunity to increase production.

We really appreciated our opportunity to be there and I strongly commend the parliament to consider a formal delegation to Serbia, because I think Australia and Serbia could benefit from strengthening their ties.

**Diabetes Research: Jump for a Cure**

**Senator MOORE** (Queensland) (20:44): Last Saturday afternoon I jumped out of the plane—and I can assure you, Madam Acting Deputy President, I was very securely attached to Gus from Argentina, who managed to tell me at the time that, while it was my first jump, he had made over 7,500. The reason I was there—there must have been a reason!—was a visit I had last year from a young man, Josh Burton, and his mate, Sam Lamprecht, who both have juvenile or type 1 diabetes. They had come to see me with their mums because they are part of a wonderful scheme, auspiced under the Juvenile Diabetes Research Foundation, for young people to talk with their local parliamentarians about what it is like to live with diabetes, what they have to do and, most importantly, what they want their government to do to take on the responsibility as government to look after people in the community. We have had several meetings since that time, but in that first meeting Josh said, just as a throwaway line: ‘Have you ever jumped out of the plane?’ I could say with absolute honesty that the answer was no.

Josh then went on to tell me about the program they have called Jump for a Cure, which has been going for several years. It encourages people to get together with wonderful local providers, in our case it was the Ramblers Club on Queensland's Sunshine Coast, who work with people to give them the excitement and enjoyment of skydiving—if you do find it that way, and luckily I did. The team work to raise awareness of this condition in our community but, more importantly, there is hope and encouragement that we can find a cure. Each year it raises significant funds, and I am really proud that the Queensland jump at the Sunshine Coast last Saturday raised over $80,000. I congratulate the 50-odd people—and that means numbers, not type, of people—who gathered together to jump, to say that we wanted to work on this issue.

The youth advocates scheme has enabled so many people in this place to meet young people over many years through the fantastic Kids in the House program. Former Senator Barnett has been a driving force in raising awareness of this issue in this place and in the wider community. There is not a parliamentarian who has not had the opportunity to meet the amazing young people who come here and also their parents, because so much does rely on families and friends to work through this process. Through the Kids in the House program we get a chance to be visited by young people; they talk with us and share their experiences. As I said in relation to Josh and Sam, they can look us in the eye and say what is needed in our parliament and in our community to make sure that cure can be found.

Have no doubt, these young people know that a cure can be found and they expect us
to work with them to find it. They are able to
tell us about the process that has happened
with the money that has been raised over the
years to ensure that there is an effective
research program in this country. As always
when we have these schemes, we see the
amazing work which Australian researchers
have done. They are internationally regarded,
they have made advances and it is exciting.
The Clinical Research Network, the CRN, is
a cutting-edge program giving Australians
the chance to look at new therapies and
treatments. It is based on cooperation, which
is a core element. We have people working
across the country in various institutions who
have skill and ability which they need to
share and, as we always see, collaboration is
the best form of work. This collaboration is
between researchers, institutions, patients,
industry and international networks. The
CRN was originally established in 2010 with
a grant of about $5 million, but it needs to be
continually funded so that more work can be
done and more can be achieved.

Three clinical initiatives have already
been funded by the CRN which are
important and make a difference. One
initiative is exploring hypoglycaemia
prevention. Researchers in hospitals around
the country are looking at how glucose
sensors attached to an insulin pump can
predict life-threatening low blood sugar
levels. The amazing work of those pumps
has made such a difference to people of all
ages who have diabetes. It gives them the
discipline and security that their process will
be looked at and they will get those
messages through. There is also a project
which examines the use of an old drug in a
new way to tackle type 1 diabetes
complications, including heart attacks and
strokes, through the REMOVAL Australian
substudy. This is part of a multisite
international trial contributing to
international best practice. So we are part of
the international work that is gathered this
research together so that we can share the
knowledge and work towards a cure.

The third initiative is a focus on patient
driven research through the Australian
Diabetes Data Network that aims to embed
the latest research and data in health care
delivery so that patients are better able to
inform research. We know that data on every
patient with type 1 diabetes could be
collected in one place and could then be used
for future research. We heard earlier from
Senator Xenophon about the amazing aspect
of having that data together. Certainly there
is so much discussion in the industry at the
moment about how we can have that central
gathering of information which can then be
used as a basis on which we can build.

We need to maintain this funding. There
will be processes put to government to
ensure that more funding is available so that
we can continue the work that has begun. We
do not want to waste or lose any of the
research data we have already gathered, so
the funding must continue. I am sure the
arguments for that will continue in this place.
I do not think anyone can look at those
young people who come to see us and say
that we will not respond. It is a very valuable
and effective mechanism for advocacy.

We also need to acknowledge in this place
the work of the Friends of Diabetes, which
was formed several years ago and was one of
the first friends groups. My friends Judi
Moylan and Mal Washer, who are both
leaving us at the next election, assure me that
it was the first friends group—and who am I
to argue. Their work over many years has
ensured that we have the ability to bring
together people to share their knowledge and
I think the work of that friends group will
continue. Our new convener is Ken Wyatt
from Western Australia. Only last week,
when we had a gathering here to look at a
whole range of issues around diabetes, we were able to have a function to acknowledge the work of Judi and Mal and to welcome Ken into the new position. There is a great legacy there that I know that he will follow. We will continue as always to have the ability in this place to get the best possible information and the best possible visitors to come and tell us about the best and most up-to-date models of practice and also the activities that we can do together to ensure that we can respond to the issues of diabetes in our community.

Next year we will go back and we will go into a larger team to jump for a cure again. Already I am taking signatures of people who would like to share this experience both here and interstate. There is an opportunity here for people to do something different and also, through that difference, to raise money and awareness for an important cause. I want to thank Josh in particular, who had the faith that I would be able to do it and who gave me an opportunity that I think I have always really wanted, which was to have a parachute jump. Next year I hope to be back in this place again to acknowledge that we can make a difference and that this is an area where we can truly achieve a cure for diabetes.

Australian Broadcasting Corporation

Senator FAULKNER (New South Wales) (20:53): Australians love cricket—playing it, watching it and talking about it. We also love the sound of cricket on ABC radio. For generations Australians have grown up listening to test match cricket on ABC local radio. Listening to cricket on the radio, wherever it is played, is a familiar pastime and a cherished memory for many Australians.

Unfortunately, in recent times the ABC has made a decision—perhaps driven by budget or financial considerations—not to broadcast test match cricket played overseas. Last year in April, when Australia played a three-test series in the West Indies for the Frank Worrell Trophy, the ABC was not there. They did not send a commentary team to cover the tour. The ABC would not stump up for any commentators or even any news presence in the West Indies. Surely, with Grandstand regular Geoff Lawson in the Caribbean working with Fox Sports, the ABC could have had him give updates for the news. This year many Australian cricket fans have been disappointed by the ABC because it decided not to send a commentary team to India to broadcast the current series there. I do have some sympathy with the ABC in relation to the decision about the series in India, as the ABC is not the only broadcaster playing off the back foot against the Board of Control for Cricket in India, the BCCI. But the Indian tour is the second overseas tour within 12 months where the ABC has not met its responsibility to cricket lovers and has refused to spend money to cover Australia's national sport.

The national broadcaster has been broadcasting test match cricket since December 1924. In that year, commentary on radio during the first test against England at the SCG was provided by Monty Noble, who had captained Australia in 15 Ashes tests between 1903 and 1909 and whose name was given to the northern stand of the Sydney Cricket Ground. Monty, along with Len Watt, provided commentary. Len was a former Sydney grade cricketer. In those days, the commentators sat and watched from inside the old scoreboard and every 15 minutes announced the score on Broadcasters (Sydney) Ltd, or 2BL as it came to be known. In 1925 Bill Smallacombe broadcast the first ever ball-by-ball cricket coverage on SCL radio, although it went live only to Adelaide listeners. Bill Smallacombe was the sole
commentator for the entire seven-day test. I have given some long speeches in my time—many would say too long—but seven days of ball-by-ball coverage is a tremendous effort in anybody's language.

It was another decade before the ABC would begin to cover cricket from abroad. During the 1934 Ashes tour, the famous synthetic broadcasts began. These synthetic broadcasts were based on telegrams sent from England. Commentators used every trick they could to replicate the sound of play and paint wonderful word pictures of play they could not see. The next year Alan McGilvray—who played 20 first-class matches for New South Wales, scoring 684 runs at an average of 24.42 and taking 20 wickets with his medium paces at 56.75—made his ABC commentary debut. McGilvray would become the voice of ABC cricket commentary right through to 1985, commentating on over 200 test matches. The next Ashes tour in England would be based on short-wave technology, with the synthetic broadcasts only filling in when the signal dropped out. By the 1960s, the overseas ball-by-ball coverage was as clean and as continuous as local coverage.

The ABC travelled to all corners of the cricket-playing globe to bring cricket into the homes of Australians. It had provided continuous coverage of all Australian tests in the West Indies since 1965 before last year's disappointing decision to abandon the Caribbean broadcast. In 1947, when India played their first ever test series as an independent nation, here in Australia against Bradman's team, the ABC was there to cover the five-test series.

In 1998, in the series known as the Tendulkar versus Warne series, the ABC was there. Shane Warne had taken 68 scalps in the 1997 calendar year and Sachin Tendulkar, the 'Little Master', had knocked out over 1,000 runs. They were both at the top of their game and they were both the best in the business. Australia could not match the Indians with the bat or the ball, and India took an unassailable two-nil series lead—although, I must say that there was a brilliant Mark Waugh century and there was a fightback by Australia for a consolation win in the final test of that series.

When Australia won their world record 16th consecutive test win in Mumbai in 2001, the ABC was there. The next week, when the VVS Laxman and Rahul Dravid put together that famous partnership and India won after being forced to follow-on, the ABC was there. In 2004, when Michael Clarke made a century on debut and Australia won their first test series in India since Bill Lawry's team in 1969, the ABC was there. In 2010 there was a scheduling clash and, I think understandably, the Commonwealth games, which were held in India at the same time as the cricket, took centre stage. The ABC was not there to cover the cricket.

But in 2013 nothing—nothing at all. In 2013 ABC listeners were not allowed to hear the joy of another Michael Clarke century as they heard in 2004. ABC listeners were not allowed to hear of the tension and, as far as Aussie cricket fans are concerned, the agony as Australia toiled against another remarkable 300-plus run partnership from the Indians as they did in 2001.

Later this week ABC listeners will not be able to hear the Australian cricketers again give it their all and try for a consolation win as they did in 1998. But there is no excuse this time. There is no scheduling clash as there was in 2010. But even more remarkably, there is no excuse regarding a scheduling clash, as the ABC has a dedicated, full-time, 24-hour, seven-day-a-week sports channel on digital radio.
Apparently the ABC bean counters decided that sending a team to commentate in India would cost too much money. Apparently ABC programming officers decided that 120-odd hours of test cricket in April was too much. I do note for the record that some believe there can never be too much cricket on the radio—people like Senator Moore, for example!

Tonight I would like to provide what little background I can on the decision of the ABC not to send a commentary team to India to broadcast the cricket on the radio in Australia. A similar disappointment almost occurred for British cricket fans during the recent English cricket tour of India. The BBC had a long-running arrangement with the BCCI to broadcast test cricket in India. It has been reported that the BCCI demanded an additional $80,000 be paid by the BBC for the use of commentary boxes on top of the broadcasting licence. The BBC, unlike the ABC, refused to pull up stumps and came to an agreement with the BCCI.

I have searched the media for details of the asking price from the BCCI to the ABC for the current test series, but I have not found a figure. I do hope the range of questions I have placed on notice to the Minister for Broadband, Communications and the Digital Economy will shed some light on the circumstances surrounding this decision, not only about the demands of the BCCI but also the price paid for ABC radio broadcasting rights for other sporting fixtures. I am interested to hear how much was paid for the rights to broadcast the last Olympic Games and the last Commonwealth Games. How much does the ABC pay for these sporting fixtures and how many hours of radio do they produce? How much does the ABC pay for the cricket tests played here at home each year? How much does the ABC pay for the domestic one-day competition and the Big Bash? How much is paid for how many hours of broadcasting?

How much did the ABC pay for the broadcasting of the England Lions cricket tour, which I might add was broadcast on the ABC digital channel on day one of the first test in India. I know cricket lovers who were very surprised to hear no cricket broadcast on ABC local radio so they tuned into ABC digital radio expecting to hear Australia playing India only to hear coverage of a tour match between Australia A and the England Lions.

I would also like to know how much the ABC pays for Shute Shield coverage on television or to the NRL for radio broadcasts? And how many of these fixtures are not broadcast nationally? How much does the ABC pay for coverage of AFL and how much do they pay for reserve grade AFL? Again, how much of this is not broadcast to all states and territories in the Commonwealth?

I have to admit that I expect limited information will be forthcoming in the answers I receive from the minister, because the information I am requesting may be considered by the ABC to be commercial-in-confidence. But, if so, I will continue to press questions about the priorities the ABC has extended in relation to its sports coverage, how those priorities are set, who makes the decisions and why they make them.

In a recent submission to the Senate Environment, Communications, Information Technology and the Arts Committee inquiry into the provisions of the Broadcasting Legislation Amendment (Digital Radio) Bill 2007 and the Radio Licence Fees Amendment Bill 2007, the ABC said:

ABC Radio produces a lot of content that competes for airtime on its existing analog stations, content such as news and sport,
specialist information, cultural and music programming. Digital radio provides the potential to offer new services, to meet the needs of audiences that are currently not consistently served—either by the ABC or by the commercial or community stations.

I sympathise with the schedulers of ABC Local radio. I am sure time zones and playing times for test cricket in India must cause programming headaches. The day's play commences around 3 pm, Eastern Daylight Savings Time, and finishes around 10 pm. This means that radio Drive programs and evening programs would be disrupted or cancelled on a number of weekdays. Another headache, of course, may be the clash with football codes. For example, in Sydney and Brisbane, I expect rugby league would take precedence over some test match sessions on Friday night, Saturday afternoon or night and Sunday afternoon, but the first two tests in India were played before the footy season even started. This is precisely what the ABC were talking about when they expressed their support for digital radio to the Senate in the last few years. The benefit of digital radio is that you can avoid these scheduling clashes; footy and cricket can both get a guernsey.

The ABC claims to be committed to the expansion of digital radio. What better way to promote digital radio to cricket-lovers across Australia than to broadcast the tests in full on the digital channel if they are not going to be broadcast on local radio. I think there may well be other alternatives that the ABC could have employed to keep listeners aware of developments in the test matches. As I mentioned, ABC cricket coverage has not always been ball-by-ball coverage. Why, without ball-by-ball coverage, could the radio presenters on air not at least give regular cricket updates? Surely Drive and evening presenters could provide a quick score update every 10 or 15 minutes, just like Monty Noble and Len Watt did way back in 1924.

What is the ABC's response to criticism that they let down sports fans across Australia? I find it extraordinary that the ABC have published an internet promotion on their website for an internet-based, audio only, siphoned broadcast from England. Test Match Sofa is a group of dedicated cricket fans who watch the BBC, or other coverage of test cricket, from their couch and provide commentary over the Net. Some might even consider this piracy, but it is certainly not a substitute for ABC coverage. The technologically less advanced—I admit, people like myself—have trouble accessing such internet-based feeds and it is not possible to hear this coverage when you are away from a computer anyway. You have got no hope if you are in the car driving, for example.

I do sympathise with the ABC accountants. I understand that the ABC is not immune to budget pressures. I sympathise with the ABC schedulers, which is why I would be happy to see the cricket broadcast on the digital channel in certain circumstances. But the ABC does need to seriously rethink its approach to broadcasting international cricket. I understand that the ABC has committed to covering the away Ashes tour. That is a no-brainer! For heaven's sake, it has done that for every Ashes tour since World War II. I hope that cricket-lovers can be assured that the ABC will work with the relevant authorities in South African cricket to secure the broadcasting rights for the three tests we will play in South Africa next year. I also hope that the ABC's decision to abandon the recent series in the Caribbean and on the Subcontinent will never, ever be repeated.
I rise tonight with a heavy heart after spending most of the last two days in the Environment and Communications Legislation Committee hearings around the media laws legislation that is being rushed through the House of Representatives and will be before us tomorrow. I do that because we have spent a lot of time and money in this country over the last few years doing very detailed consultation—as Senator Conroy outlined for us here in the Senate—into the future of our media in the Convergence review and the Finkelstein report. For these monumental reforms to be what they actually are before us is quite a tragedy. But we should not be surprised. This is just the caboose on the train wreck of a Labor government that this country has been on board and unable to get off as it hurtles down the track. There is a record net debt of $142 billion. When Labor came to office in 2007 there was no debt. Interest payments will be a massive $7 billion this year alone. And how did we get here after the slim promise—like the French guy in the Monty Python movie—of the wafer-thin surplus that was promised? We are now hurtling towards a significant budget blowout come May. How did we get here? There are almost too many examples to outline in this short time we have before us tonight, but I will give it a crack.

There was the home insulation bungle, $2.4 billion. There were school halls, $1.5 billion. There was an immigration budget blowout of $5.3 billion over four years. The Clean Energy Regulator cost $4.4 million for new offices and $25.2 million for rent for a five-year lease—good money if you can get it! There was carbon tax advertising, just letting us know that the money is coming whether you like it or not to a bank account near you. Close to $70 million of taxpayers' money was shelled out to let Australians know about that. The set-top box waste cost $67 million in administrative costs to run the program. The NBN budget blowout of $3.2 billion is now a massive $44.1 billion project.

As I have mentioned, there are the two massive reports to examine on the future of our media landscape. It is a very, very poor response to such a mountain of work that has been completed by the government. Whether you agree with the recommendations in their entirety or not, the response that is before us is pathetic, as is being evidenced right now in the committee. Whether it is the media union, whether it is academics, whether it is obviously industry and journalists, they are all talking about the response—and what a silly response it is was mentioned in evidence concerning this set of bills.

While I have outlined the obvious blowouts in the budget, there is a hidden cost and it is the cost of doing nothing or using people's money badly. I have just got a few more examples for your listening pleasure, Madam Acting Deputy President Pratt. There was the Hawke review, the inquiry into EPBC Act, where one of their key recommendations was to streamline environmental regulation. This government accepted that response and gave undertakings to state governments that that is exactly the track we would move down. However, whilst making those sympathetic noises in December, the Prime Minister walked away from that commitment with state governments and so, whilst the Hawke review contains a multitude of recommendations, very, very few have been picked up by this government.

There is the Gonski review. This government cannot get it together on the Gonski review. D-day is COAG in April so we are hurtling down the track. The panel
cost $400,000. There was $1.3 million on consultancies. Secretariat support was close to $3½ million, and in the 2012 budget $5 million was allocated for more research and technical work. That totals an estimated $10 million on the review and associated processes. To be this close to the pointy end, we have got to make sure that that $10 million investment we made in understanding the issue actually results in an outcome that was meant by the review. I have grave concerns that the resulting funding formula and the result of the Gonski review will look nothing like brand Gonski—a very good brand, I might say, that is out there in the market.

We had the Henry tax review in 2009 which cost $10 million. There were 138 recommendations and 1,332 pages. It took two years, 1,500 submissions and five public consultations, and the government has claimed that it has adopted 40 recommendations. However that is a very liberal view. We in the coalition are saying that it is a handful. What has been adopted has maybe not been adopted in full, and I can only think of the greatest example of that being the mining tax.

There is the aged-care system, the $3.7 billion Living Longer Living Better aged-care reform package announced on 20 April last year as a result of the Productivity Commission report in 2011. There were 58 recommendations. The government has adopted five to eight per cent of those recommendations. There are significant issues facing our aged-care system particularly in regional Australia where 700,000 people are ageing or in aged care. When you speak to the aged-care sector, the five to eight per cent of the recommendations adopted out of that review are not the top three that they would have picked to give the biggest bang for our public buck, and that is the problem.

We have got the Knight review of 2011 which looked into student visas. It has been extensively delayed in its implementation, and there is the Chaney review et cetera. So when the coalition bangs on about issues around net debt, gross debt, and interest payments that add up to $7 billion per annum, as I said earlier, it is only because that is the bleeding obvious. It is all the hidden costs and the cost of doing nothing and the cost of not taking out of all these extensive and comprehensive reviews the top five as the biggest bang for our public buck that will lead to long-term issues. We are not actually dealing with the problems. Good government is not only about a balanced budget; it is about using taxpayers' money effectively and efficiently in a prioritised manner. By cherry-picking out the easy issues, and not the tough ones that are going to cause us a little bit of political pain and cost us a bit more money but will actually result in a greater outcome in the end, is very poor government. Labor continues to leave a trail of waste, inefficiency and mismanagement and it is a shambles. The only way to get this nation back on track is to elect a coalition government as soon as possible.

**Senate adjourned at 21:21**

**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.]

Christmas Island Act—List of applied Western Australian Acts for the period 7 September 2012 to 8 March 2013.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 7 September 2012 to 8 March 2013.

Corporations Act—ASIC Class Order [CO 13/184] [F2013L00480].


Migration Act—Select Legislative Instrument 2013 No. 32—Migration Amendment Regulation 2013 (No. 1) [F2013L00486].


Patents Act, Trade Marks Act, Designs Act and Copyright Act—Select Legislative Instrument 2013 No. 31—Intellectual Property Legislation Amendment (Raising the Bar) Regulation 2013 (No. 1) [F2013L00479].


Superannuation (Financial Assistance Funding) Levy Act and Financial Institutions Supervisory Levies Collection Act—Select Legislative Instrument 2013 No. 29—Superannuation (Financial Assistance Funding) Levy and Collection Amendment Regulation 2013 (No. 1) [F2013L00488].

Governor-General’s Proclamations—Commencement of provisions of Acts—

Migration Legislation Amendment (Student Visas) Act 2012—Schedule 1—13 April 2013 [F2013L00485].

Public Service Amendment Act 2013—Schedules 1, 2, 3 and 4—1 July 2013 [F2013L00484].

Tabling

The following government documents were tabled:


Australian Communications and Media Authority (ACMA)—National Relay Service provider performance—Report for 2011-12.

Australian Fisheries Management Authority—Report for 2011-12.


Answers to Senate Questions on Notice will no longer be published in the Senate Hansard. The full text of Questions on Notice and their answers are available online at www.aph.gov.au/SenateQON