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SITTING DAYS—2013

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RADIO BROADCASTS

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FORTY-THIRD PARLIAMENT
FIRST SESSION—EIGHTH PERIOD

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

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

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

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

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

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

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

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

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

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

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

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
## GILLARD MINISTRY

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<td><strong>Prime Minister</strong></td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>Minister Assisting the Prime Minister on Asian Century Policy</td>
<td>The Hon Dr Craig Emerson MP</td>
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<td><strong>Minister for Social Inclusion</strong></td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td>Cabinet Secretary</td>
<td>The Hon Jason Clare MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<td>Parliamentary Secretary to the Prime Minister</td>
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<td><strong>Treasurer</strong></td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td>(Deputy Prime Minister)</td>
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<td><strong>Minister for Financial Services and Superannuation</strong></td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon David Bradbury MP</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Bernie Ripoll MP</td>
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<tr>
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<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td><strong>Minister for Defence</strong></td>
<td>The Hon Steven Smith MP</td>
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<td>(Deputy Leader of the House)</td>
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<td>The Hon Warren Snowdon MP</td>
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<tr>
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<tr>
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<td>The Hon Tony Burke MP</td>
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<td>Minister for Employment and Workplace Relations</td>
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<td>The Hon Julie Collins MP</td>
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<td>Parliamentary Secretary for School Education and Workplace Relations</td>
<td>Senator the Hon Jacinta Collins</td>
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<td>Shadow Minister for COAG</td>
<td>Senator Marie Payne</td>
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<tr>
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Wednesday, 6 February 2013

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

PERSONAL EXPLANATIONS

Senator BERNARDI (South Australia) (09:31): I seek leave to make a brief personal explanation for three minutes as I claim to have been misrepresented.

Leave granted.

Senator BERNARDI: I rise as a result of a newspaper article written by Jessica Wright that appeared in the Sun Herald on Sunday, 27 January 2013. I would like to address the major points of this gross misrepresentation.

I was accused of being a member of the American Legislative Exchange Council. I dispute that and ALEC disputes it too. I would like to quote from a letter from the Director of International Relations at ALEC, sent to the Senators’ Interests Committee and dated 31 January, which says:

Senator Bernardi has never paid us dues nor has he ever held a leadership position at ALEC. He has simply acted as a point of contact in Australia for our state legislator members … Just as Senator Bernardi has never paid us dues, we have never compensated, sponsored or reimbursed Senator Bernardi for anything, including but not limited to travel. He has never attended any of our meetings or introduced policy at ALEC, and indeed, I have never even met him.

I have also been accused of failing to disclose a conflict of interest. This is false. The Clerk of the Senate states in a letter addressed to me:

None of the existing declarations under this provision— that is, the 'catch-all' provision regarding conflict of interest— appear to relate to mere 'involvement' with organisations.

The defamatory article continues by asserting that ALEC is working with the NRA to block action on US gun control. ALEC assert that this is false and they state:

The National Rifle Association is not a member of ALEC and we are not working with them to derail Australia's or US efforts at gun control.

The article also claims that ALEC is 'pro-tobacco'. According to ALEC:

We are not 'pro-tobacco', but we do support the protection of intellectual property rights.

This is a view which they are perfectly entitled to have and one that is shared by many in this parliament.

The article also asserts that the Heartland Institute paid for my accommodation and travel to the US on four separate occasions. This is completely false and is easily demonstrated by an inspection of my declaration of interests.

The journalist, Jessica Wright, also maintains that a spokesman from Senator Bernardi 'declined to comment on Saturday', being Australia Day, 26 January. This implies she spoke to one of my representatives. However, the only contact that was received by Jessica Wright was a message left on my office answering machine on a public holiday of a long weekend. Through her lawyers, Ms Wright and Fairfax maintain she spoke to a nameless woman in my electorate office on that day on two occasions. Anyone entering my office is required to deactivate the alarm with a unique code. The South Australia Police, who monitor this alarm, have provided evidence that no access to my office was made on that day. This means that Ms Wright supposedly spoke to a representative in my office who can bypass the SAPOL security system. Perhaps it is the same person that was on the grassy knoll in Dallas nearly 50 years ago.
In conclusion, this article is now in the hands of my lawyers, who are closely examining the allegations that have been made by the journalist and by some in this chamber who have made statements outside of this chamber and who have deliberately chosen to ignore the truth.

**BILLS**

**Water Amendment (Water for the Environment Special Account) Bill 2012**

**Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

Senator IAN MACDONALD (Queensland) (09:35): In the couple of minutes I had at the end of the session discussing the Water Amendment (Water for the Environment Special Account) Bill 2012 last night, I indicated that the contributions that had been made by my colleagues clearly looked into all aspects of the bill and I think my colleagues have done the chamber a service in their forensic examination of the issues in this particular bill. I want to take the opportunity to demonstrate why in the past, and this bill shows this clearly, we have not dealt with and managed water as perhaps we should have, and I want to highlight the opportunities that are available in Australia for the sustainable use of water in our country.

It would not surprise too many people that my interest in water is particularly directed to Northern Australia, where more than 60 per cent of Australia's water run-off occurs. Less than five per cent of the surface run-off of that water is currently put to use. The total water run-off in Northern Australia in three key drainage divisions in 2004-05 was 152,500 gigalitres, whereas the total water use for agriculture in all of Australia was about 12,200 gigalitres. I repeat that: 152,500 gigalitres run-off, but only about one-twelveth of that, about 12,000 gigalitres, is used for agriculture in Australia.

There are many who, when looking at Northern Australia, say, 'We should pipe it down from the north; we should build channels to bring it down.' But I am one of the school that says we should be using water where it falls. The CSIRO have done a lot of work in looking at the soils across Northern Australia. There is no doubt, as I have demonstrated, that there is plenty of water in Northern Australia. It is a very regular supply of water, it is much more secure than water in the south of Australia and, if you believe the climate change alarmists, it is going to continue to be the case—that is, more secure in the north, less secure in the south.

CSIRO have found that there are about 17 million hectares of land in Northern Australia that have been assessed as potentially suitable for agriculture on account of their arable soil. I am not one to suggest we should be farming some 17 million hectares with irrigation across the north, but it is clear that there are opportunities in the north—bearing in mind that only two million hectares of land is today used for agriculture in Australia and there is, I repeat, 17 million hectares of land that could be irrigated and utilised in the north of Australia.

As the coalition's spokesman on Northern Australia, I have obviously had a long interest and been across a lot of Northern Australia. I also did that when I was privileged to be a member of the Northern Australia Land and Water Taskforce in the time that it was so admirably led by my colleague Senator Heffernan. That task force really opened the eyes of many people in South Australia to the opportunities in the north. Not so long ago I visited a place called...
Gogo Station near Fitzroy Crossing in Western Australia, and we were told—I and my colleagues who were there—that there were tens of thousands of hectares on this station alone with suitable soil for both wet season and irrigated agriculture. That station has already conducted successful trials growing sorghum and other stations in the area produce hay. There is real opportunity for growing practically anything. In my state of Queensland I never cease talking about two very good but not terribly well-known off-storage water arrangements on the Flinders River and the Leichhardt River, where water is taken out at times of flood and is stored, and then there are massive agricultural activities. At the Flinders River, at Silver Hills, various crops have been grown successfully. At Lorraine Station on the Leichhardt River, cattle fodder is grown, making the cattle operations on that station so much more attractive. In addition to that, the mighty Burdekin Falls Dam, clearly on the Burdekin River, not far from where I live, has revolutionised agriculture in the lower Burdekin district and has provided a secure supply of water to the large and growing northern city of Townsville. There is opportunity for increased water usage out of the Burdekin. A lot of studies have been done, most recently by Stanmore, on harnessing the water at the Burdekin Falls Dam for hydropower. It may need an increase in the dam wall, but there are opportunities to provide clean and green energy from hydropower. The Tinaroo Dam in North Queensland is underutilised. It provides opportunities for increased agricultural production.

The world's population is growing exponentially each year and there are many billions of people who go to bed every night hungry or underfed, and Australia has the opportunity—and, indeed, I think the obligation—to use its resources to provide food for the world. Senators have heard for a long time how the growing middle class in the subcontinent, in China and the rest of South-East Asia, will mean that Australian agricultural produce will be more and more in demand. Clearly, the interest shown in the second stage of the Ord scheme confirms this.

I am delighted that the West Australian government has proceeded with the second stage of the Ord. I look forward to seeing massive infrastructure and job creation opportunities there as a result. I am also pleased that, with the change of government in the Northern Territory, the Northern Territory is now very keen to be part of the third stage of the Ord River scheme, which goes across the border into the Territory. The Ord scheme was a visionary project of the Menzies government—something that we have regrettably seen little of in the last seven years, or in the Hawke-Keating governments. There has been no vision forward for Australia. The Ord scheme has been criticised, but there is evidence that it is coming into its own. It will show that Menzies' vision in creating this opportunity for development and growth and food in the north-west of Australia was justified. As I have travelled around the north I have spoken to traditional owners, and I am delighted that the Northern Land Council is talking about opportunities for Indigenous people with the expansion of the Ord project into the fertile lands of the Northern Territory.

My point in raising these things as I speak about this bill on the Murray-Darling is that we did make mistakes regarding the Murray-Darling. With respect, I suggest that a lot of them was through overallocation by governments—principally Labor governments in New South Wales, determined to curry favours in that particular state. It is quite clear that Labor governments
were quite adept at doing that in various ways.

We did make mistakes in the Murray-Darling, there is not doubt about it. Australia is now clever enough to learn from our mistakes and use science and technology to harness this huge resource we have in Northern Australia. For a couple of decades now, mainly before what is occurring now—the fall of the Greens political party and the Greens movement—there was this mantra that came out right across Australia, 'no dams, no dams, no dams'. In fact, if you even mentioned the word 'dam' you were accused of lying; of saying swear words. I use 'dam' in the sense of a water storage and not in the other sense that it is used. The Greens political party and their allies had, over a period of three decades, convinced or bullied Australian governments into ignoring dams.

In fact, after Senator Heffernan left the chairmanship of the Northern Australia Land and Water Taskforce and was replaced by appointments from the Labor Party, that task force was specifically told by the Labor government not to look at— not to look at!—dams. You could look at anything else in Northern Australia, but you were not to look at dams. Why? Because Labor governments in Queensland, in Western Australia and federally were there only because of second preferences from the Greens political party and the Greens political party did not want anyone to look at dams. Governments in those two states, when they were controlled by Labor, and the federal government, were keen to look at Northern Australia and how it could be developed, but they did not want to even mention the word 'dams'.

I am delighted that Tony Abbott was determined to change that culture in Australia. More than a year ago he set up a dams task group, of which I was fortunate enough to be a member. That group has travelled widely right throughout Australia looking at where dams could be built sustainably and without impact on the environment. We have had an enormous number of submissions—from, I might say, even the Greens political party themselves—which have all been taken into account. Tony Abbott will be saying more about that some time between now and the next election.

The purpose of that task group was to make Australians understand that the word 'dam' is no longer a dirty word. The results of the task group's investigations will clearly show that a majority of Australians understand how important dams are, not just for water storage, agriculture and irrigator use but also to help with flooding and to prevent damage that occurs when rivers run wild.

It is also interesting to note that a couple of Ramsar listed wetlands, up in the Western Australian region, are there because of the Ord River dam. I have always waited to hear the Greens explanation of this; they are totally opposed to the Ord River dam. But because of the Ord River dam, the wetlands created by that dam have actually received World Heritage listing in the Ramsar list of wetlands.

There are opportunities; we did make mistakes in the Murray-Darling and because of that we have the legislation that is before us today that is needed to try and sort out the mess. My colleagues from this side, in their contributions to the debate, have pointed out where things could be done better, whilst the Labor Party have about as much interest and expertise in water management as they do in financial management—I think everyone would accept that is zero, zilch. In the future, we want to avoid debating bills like this in the parliament through the clever, scientific and sustainable use of the water with which we are so highly blessed in Northern Australia. I look forward, today, to when
there will be a government in charge in Australia who will understand what an asset we have there and what good we can do for the hungry and the poor of the world by properly and sustainably exploiting the assets that we are blessed with to provide better resources for the peoples of the world. Mr Deputy President, in relation to this bill, of course, I follow my colleagues in their comments and their indication of our voting position on the bill.

**Senator FARRELL** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (09:50): I thank all of the senators for their contributions to this debate. The Water Amendment (Water for the Environment Special Account) Bill is a significant reform to the Water Act and a commitment to restore the Murray-Darling Basin to good health.

For over a century, the Murray-Darling Basin has not been managed with a basin-wide plan. This has resulted in environmental degradation, a lack of resilience and an ongoing layer of uncertainties to the basin communities. Murray-Darling Basin reform has relied on a number of steps being taken, the National Water Initiative, the development of the water market, the Water Act 2007, the making of the Murray-Darling Basin Plan last year and this bill to maximise indirect outcomes in the Murray-Darling Basin. The Murray-Darling Basin Plan has set a benchmark of 2,750 gigalitres of environmental water in the Murray-Darling Basin. The Basin Plan will restore the health of our rivers, support strong regional communities and ensure sustainable food production. This bill, having now passed the parliament, will facilitate the operation of the SDL adjustment mechanism in the Murray-Darling Basin Plan and provide environmental outcomes over and above the 2,750 gigalitres that are benchmarked in the Basin Plan.

The government welcomes the report of the Senate Environment and Communications Legislation Committee and the House of Representatives Standing Committee on Regional Australia. The support of both committees for this bill is recognition of the benefits it can bring to the social, economic and environmental outcomes achieved through the Basin Plan. The government has incorporated both committees' key recommendations into this bill. This bill, as passed, clarifies the outcomes to be achieved by the funds in the special account and it also makes clear that funds cannot be used by the Commonwealth to conduct open tender rounds for water entitlements.

This bill allows the Commonwealth to support the SDL adjustment mechanism. The SDL adjustment mechanism, which this bill supports, will allow the SDL to move up if the environment outcomes can be delivered with less water, and move down if constraints are removed and additional water is acquired in a way which is not detrimental to communities.

This bill establishes a secure funding stream of $1.77 billion in a special account to maximise the environmental outcomes of the plan. These funds will be used to ease or remove constraints on delivering environmental water and to acquire—through projects such as on-farm infrastructure—an additional 450 gigalitres of water. This bill also provides for two reviews to be conducted by an independent panel into whether the funds in the special account are sufficient to acquire the 450 gigalitres and remove key constraints. These reviews will happen by 30 September 2019 and 2021.
The additional environmental water made possible by this bill is better not only for the Coorong and Lower Lakes in my home state of South Australia, but also the Ramsar-listed wetlands, river red gum forests, national parks and homes for Australian wildlife throughout the basin. The majority of the $1.77 billion in the special account will be directed towards achieving further improvements in irrigation efficiency. It will also address existing constraints that limit higher water flows, including outflows from storage dams, low-lying infrastructure and the need to provide for flood easements or agreements with landholders. All basin governments will be fully involved in the development of the projects that would underpin the SDL adjustments, including initiatives to remove constraints, and will have a complete picture of what the final SDL will be in all catchments. The government is committed to ensuring the Basin Plan delivers a healthy river, strong communities and sustainable food production and this bill will provide for even better environmental outcomes being achieved in the basin. This bill, combined with the Murray-Darling Basin Plan, demonstrates the government’s commitment to ensuring that the Murray-Darling Basin system will return to health and the environment and communities which are nourished by these mighty rivers will have a strong and resilient future.

Question agreed to.
Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

The CHAIRMAN: Prior to us moving into debating the amendments, I wish to make a statement concerning the proposed amendments. This bill establishes a special account and provides for amounts to be credited to the fund over 10 years. These funds are appropriated by section 21 of the Financial Management and Accountability Act 1997, which is a standing appropriation for special accounts with specified purposes established by other acts. Amendments (10) to (15) on sheet 7314 circulated by Senator Hanson-Young, on behalf of the Greens, do not in their totality change the amounts to be credited to the special account from the standing appropriation. They change the timing of those credits from a period of 10 years to a period of five years. In these circumstances the Senate has taken the view that such adjustments are appropriately made by amendments rather than requests for amendments. The third paragraph of section 53 of the Constitution provides ‘the Senate may not amend any proposed law so as to increase any proposed charge or burden on the people’. Quick and Garran, in their famous commentaries on the Constitution, stated:

… the Senate is only forbidden to amend bills imposing taxation and the annual appropriation bill; it may amend two kinds of expenditure bills, viz.: those for permanent and extraordinary appropriations. … The Senate may amend such money bills so as to reduce the total amount of expenditure or to change the method, object, and destination of the expenditure, but not to increase the total expenditure originated in the House of Representatives.

That can be found on page 671 of Quick and Garran. While the bill does not in itself contain an appropriation, there is a direct connection to the appropriation in the Financial Management and Accountability Act 1997. The bill may therefore raise the possibility that the third paragraph of section 53 of the Constitution may apply. However, the precedents of the Senate support the conclusion that where an amendment simply changes the timing of a payment but has no impact on the total amount payable it should not be moved in the form of a request. At this stage it is in order for Senator Hanson-
Young to move her amendments as such. However, if some of the amendments in group (10) to (15) are agreed to and others are not and the effect is an increase in the total amount payable from the standing appropriation, we may need to revisit the issue before we conclude the committee stage.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (09:58): I move amendment (1) on sheet 7335.

(1) Schedule 1, item 2, page 7 (lines 25 and 26), omit paragraph 86AD(2)(b).

This is in regard to issues pertaining to buybacks. What we have clearly stated is that the economic consequences of buybacks in regional towns—and we are seeing it right now in some cases—have been dire especially in parts of Victoria where buybacks have led to reduction of milk quota into the processing factories and therefore you get a closure of processing factories which brings about unemployment. This is not a situation which a responsible government should be part of. If we are going to talk about employment and regional development, we cannot be closing down regional towns.

We fully support the capacity of saving water through basically being clever in how we use it. We want to make sure our efforts are concentrated on being clever in how we use it. We acknowledge that strategic purchases in certain areas were part and parcel of the initial parts of the plan, but we have stated categorically that we believe there should be a cap at 1,500 gigs—which means that there are around 250 gigs left to purchase to get to that number, because we have already purchased a substantial amount. After that, the money that is employed should be through strategic purchases—not through haphazard purchases—strategic being that you take into account the economic viability of irrigation, the economic viability of delivering water, and the economic viability of the mechanisms and the production of the town being sustained in such a way as it keeps the employment of the town there and keeps a future for the town.

This first amendment on sheet 7335 is to make sure that we remove from this extra 450 gigs the capacity for it to be attained through buyback. If it comes via buyback this will send a real sense of fear through the irrigation communities from South Australia all the way up to Queensland. We are talking about an amount of water that is approximately the same amount as what South Australia and Queensland each use. So it is an immense amount of money, and we cannot just be going into these areas and buying up all the water and shutting the areas down. Some might say that that is the cheapest way to get the water. Yes, but it is also the most devastating way to get the water.

We have stated all along that we believe that, in being part of this process, there should be an equivalence between the social and economic outcomes for the 2.1 or 2.2 million people who live in the Basin and the environmental outcomes and there should not be superiority of one over the other—and certainly not superiority of the environment over the people this parliament is here to represent. We welcome an investment that delivers water back to the river in a way that takes into account the economic viability of the towns and allows the productive capacity to remain as unscathed as possible. But that will not happen if we just go in there and start purchasing with an extra $1.77 billion the water licences or trying to attain 450 gigs. Technically, you could buy all the water in South Australia or all the water in Queensland. That would not be a good
outcome. That would be a devastating outcome.

So, to make it completely unambiguous, we should remove the capacity of this money to be used for buybacks and show—in the good faith that has been asked of the people of these regional communities—that we intend to get this water through infrastructure upgrades and through environmental works and measures. The way to do that is to make it unambiguous that we are not just going to have a haphazard arrangement of going to areas and buying back water. To be honest, after talking to people from Victorian areas, I know so many of these communities are at a tipping point right now. We have already lost rice mills and dairy processing factories. We cannot lose anymore.

For every one that goes, there is an employee—and a working family—that loses their job. Nothing is being offered to them by way of compensation. Nothing has been offered to these towns that have lost the value of their houses. Nothing has been offered to the businesses that have lost income and to those who have lost the money that they have spent purchasing a business on the belief of an income stream that is supported by irrigation. Nothing has been sent to them. So we cannot add any more uncertainty into this environment. We cannot add any more uncertainty into their capacity to refinance with banks. We cannot add any more heartache into areas where people say, 'I can't get young kids and families back on the land, because the government, by its own actions, is showing that it has no intention for there to be an economy there.' So, in the first instance, this amendment will remove that ambiguity. If this amendment were passed then the subsequent amendment, I think, could be withdrawn. If it is not passed then I have a further two amendments, one of which is an amendment to try and go about this in another way.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:05): I just indicate that the government does not support this amendment. It has taken a very long time to get to the point where we now have a Murray-Darling Basin Plan. There is a reason why it has taken a long time: because it has been very difficult to get all of the states and the federal government to a point where they are all in agreement on how to restore the mighty Murray-Darling Basin to good health. We have achieved that now, and this is the final link in that chain to deliver that result. There have been delicate negotiations with all of the parties—all of the states and the Commonwealth. We believe that we have got the balance right. We do not believe that it is necessary to have any further amendments. If we were to introduce or accept further amendments then we would risk this very finely balanced piece of legislation. So the government does not support the amendment.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (10:06): I ask the parliamentary secretary: what guarantees does the government provide that these buybacks will not be delivered or inflicted in such a way as to bring further socioeconomic detriment, especially to the areas that rely on the dairying capacity and the rice-producing capacity, and that we will not have families losing their main breadwinner through the economies of these areas shutting down? What confidence can you provide the Australian people that this money will be delivered in such a way that it does not inflict that if they are allowed to just go in and buy the water?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability
and Urban Water) (10:07): I have the greatest confidence that the combination of what we have done with the Murray-Darling Basin Plan legislation last year and what we are doing with this piece of legislation this time will in fact achieve the result that you want. The whole point of going down this track, the whole point of the negotiations and the whole point of getting a consent outcome by the states and the federal government has been to do exactly what you say.

In addition to protecting the communities along the Murray-Darling Basin, of course, we are getting a fantastic environmental outcome as well. I had the great pleasure last week of going down to Piccaninnie Ponds, in the south-east of South Australia, and seeing a newly introduced Ramsar site in South Australia. What we are going to see as a result of this legislation passing is the communities along the Murray-Darling Basin being protected but also fantastic environmental outcomes. So I do not think there will be anybody who lives in the Murray-Darling Basin who should have anything to fear from this legislation going through. It is going to deliver protection to the communities, particularly in my home state in South Australia, but also protection to the environment.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (10:09): I refer the parliamentary secretary to a statement by Minister Tony Burke at his press conference on 26 October in Canberra, where he says:

Now, the extra 450 gigalitres is acquired through the sorts of on-farm infrastructure projects that we’ve run to date.

It is more expensive than just straight buyback, but environmentally it achieves the same benefit and for those communities, it is a way of making sure that we work with them.

Seeing that the minister himself has stated that the 450 gigalitres is to be acquired through the sorts of on-farm infrastructure projects, why do we have in this bill that it can be obtained through buybacks?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:10): That is what has been agreed. That is the nature of the negotiations. That is what has got us to the point where we have a consent resolution on the issue of the problems of the Murray-Darling Basin. We want a good outcome for the communities and we want a good outcome for the environment. We want the river to be strong and healthy. That is what this legislation does. I do not think there is anything inconsistent with what the minister said on that occasion and what you are seeking to achieve for your communities along the Murray-Darling. The minister needs to be congratulated for being able to bring all of the parties together, so that we do have a consent arrangement between the Commonwealth and the states. I have seen plenty of arguments between South Australia and the other states on the issue of water. We now have a consent resolution to this process. It is the best outcome that we can achieve and we do not believe any further amendments are required.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (10:11): The problem is that the statement made by the minister when addressing his press conference clearly stated that he believed it was going to come from on-farm infrastructure. On-farm infrastructure is implicitly different to buybacks. You are fully aware of that, as we all are. What exactly does the government mean by this? Why can the government say in one instance it is going to come from on-farm infrastructure, but now we have the capacity for it to come from buybacks? How much of the 450 gigs do you intend to get from buybacks?
Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:12): I cannot answer that question, because that will be in the future. I can say for all the communities along the Murray-Darling Basin that this is the best resolution that is capable of being achieved to get the results they want—namely, continued strong and sustainable communities along the Murray-Darling Basin, a good environmental outcome and a return to the health of the river. That is what we want and that is what the minister wants. This is also what all the communities along the Murray-Darling Basin want. We think this is the way to achieve it. Just how particular amounts of money will be spent in the future we cannot say for sure, but we can say that by supporting this legislation and passing this legislation we will restore the Murray-Darling Basin to health and we will protect the communities along the river.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (10:13): It is extremely important, because the vagaries of this are growing. It was quite clear from the minister in his representations and his discussions that this was from on-farm infrastructure. You either believe that overwhelmingly and predominantly this is going to come from on-farm infrastructure, or you give no guarantee whatsoever where it is going to come from. I truly believe that people have a right to know this, because we are talking about more water than South Australia uses. Your own state has the right to know exactly how you intend to get this water. If there were a change in government, would you give licence to another government to buy all the water from South Australia, buy all the water from Queensland or shut down the southern part of New South Wales? These people have every right, as this legislation comes to finalisation, to get the government of the day to clearly state its intention. This is of immense interest and people are going to be making economic decisions on this piece of legislation: whether they invest, or whether they do not invest or where they are based. I think, with the greatest respect, they deserve more than a platitude and 'this is a great outcome' because that is not what we are talking about. We are talking about what proportion of this money is going to be used for direct buybacks. If we cannot get any sort of recommendation from the government then unfortunately, in some areas, people will just see this as the worst, they will see that anything is possible. I do not believe that was initially the government's intention. I do not think that is what they will want to be leaving people with in this parliament by reason of reflection on this amendment.

Senator BIRMINGHAM (South Australia) (10:15): The parliamentary secretary did not look like he was about to respond to Senator Joyce. On a similar line to Senator Joyce, I ask the parliamentary secretary to step down from the broad rhetoric in his answers and turn to the actual detail of the legislation that is before us. And particularly to answer the question of whether, firstly, it is the government's understanding that the funds appropriated in this special account could be used for general buyback tenders; secondly, if it could be, then is it the government's intention to do so; and, thirdly, if it is neither the government's understanding that it could be used for general buybacks nor is it not the government's intention for it to be used for general buybacks, then in what circumstances, would the government please clearly spell out, does it expect that buybacks could be undertaken?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:16): The government
cannot do general buybacks. I think that answers your questions.

**Senator BIRMINGHAM** (South Australia) (10:16): It does answer the first two questions, Senator Farrell, and I am pleased you have spoken to the advisers and that we have got somewhere in this. You have indicated it is your understanding that under this legislation the government cannot undertake general buybacks. What assurances can the government then give as to the power that it has under this legislation to undertake buybacks, exactly how those buybacks will be undertaken and, in particular, what the relationship is to infrastructure programs?

**Senator FARRELL** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:17): Perhaps I can give an example of how this might work. I can indicate that where water savings are normally shared on a 50-50 basis between irrigators and the environment, under the initiative it will be asking farmers to sell their half of the water savings to the Commonwealth at market prices as well as transferring the other half by way of an infrastructure investment. Farmers who consider that they will be better off will participate in the program and will continue to work with the basin states and other stakeholders on a win-win basis to recover an impact neutral water.

**Senator BIRMINGHAM** (South Australia) (10:18): I thank Senator Farrell for that example, which is most welcome. I can indicate that where water savings are normally shared on a 50-50 basis between irrigators and the environment, under the initiative it will be asking farmers to sell their half of the water savings to the Commonwealth at market prices as well as transferring the other half by way of an infrastructure investment. Farmers who consider that they will be better off will participate in the program and will continue to work with the basin states and other stakeholders on a win-win basis to recover an impact neutral water.

**Senator BIRMINGHAM** (South Australia) (10:20): Senator Joyce and I pursue this line of questioning because it is important to have on the record in these debates exactly how the government understands these things will work and how these measures that are being legislated for will work. I appreciate Senator Farrell's answer that perhaps it is not possible to give every single set of possible circumstances. What we currently have is a grey zone as to where the line is drawn. Senator Farrell has made clear that it is not possible under the legislation to simply undertake general buyback tenders. That will be welcomed by the communities in question.

He has given an example of where buybacks may be undertaken whereby we will see circumstances of infrastructure projects being undertaken making better use of water. And rather than the Commonwealth taking 50 per cent of the water saving, they will get 50 per cent by virtue of the infrastructure project and they will buy the other 50 per cent, and it will be farmers' free choice as to whether they participate in those projects. That is a good example; it is understood and something that communities
will see as the type of measure that they can work with. The question is: where does the line get drawn in between those two examples? How is that line drawn?

Senator Farrell, what assurances and what safeguards are enshrined in this legislation and/or can be given by the government to the communities that any water buybacks undertaken will be undertaken in a way consistent with what the Prime Minister and Minister Burke have said will be measures that will have no socioeconomic detriment on the communities where those buybacks are undertaken? Can you explain to us how the legislation draws the line that guarantees that no-socioeconomic-detriment test?

Senator Farrell (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:22): That is the whole purpose of this legislation. That is why we have introduced this legislation—to achieve exactly that outcome.

Senator Birmingham: The point is missing in the legislation.

Senator Farrell: The totality of the legislation, when you combine the Murray-Darling Basin Plan with this piece of legislation, gets the outcome that you say you want. We protect the communities, we do not cause them any economic disadvantage and we get the environmental outcomes. That is what the totality of this legislation does. That is what it is all about. That is what we have been working for. This legislation, let us face it, started under the Howard government. They realised the problems in the middle of the drought, finally, that had occurred along the Murray-Darling Basin. We have taken that work and achieved a consent outcome between the Commonwealth and all of the states. You come from South Australia, Senator Birmingham. You know how difficult the issue of water has been, particularly with regard to relationships with other states. You know how difficult it has been to get a consent outcome. The guarantees that you say you want from this legislation are, in fact, the guarantees that this legislation will achieve. That is the whole point of this legislation. It has been the point of the Murray-Darling Basin Plan. It is the point of this additional legislation to achieve a consent outcome, to restore the river to health and to protect those local communities along the Murray-Darling Basin. That is what this legislation does. If that is the guarantee that you want, I give you that guarantee. This will restore the health of the river and protect those communities. That is what the legislation in totality does and that is why it is so important that we get this legislation through.

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (10:24): That is a very bold claim that you have made that you are going to restore the health of the Murray. You can work in that direction but to say that you have achieved the goal is quite a claim. What I will bring to your attention, what needs to be clarified, is that you were dead right that the initial legislation is part of the coalition's. But, Minister, this one was actually drawn up by you, by your government, so it is not correct. When you say that you have given a guarantee that you have addressed socioeconomic neutrality to environmental issues, then it would stand to reason, if that is what you truly believe in the objects noted in 86AA all the way through—or the purposes in 86AD—then we would see that stated. Could you please direct me to what part of your legislation, Minister—your legislation—clearly states that you are going to deliver through these buybacks socioeconomic neutrality in such a way as to not compromise the economic integrity of towns in the basin.
Senator BIRMINGHAM (South Australia) (10:25): I note that again we are about to proceed to a vote in those circumstances. We were making some progress with Senator Farrell's answers earlier, but then we returned to what might be classically described as the 'vibe' of the bill. I appreciate the vibe of the bill, but let me try to help Senator Farrell by asking another fairly specific question.

Senator Farrell gave an example of how buybacks may occur in tandem with an infrastructure project and that is one means of a buyback happening under this bill. Also under this bill there are provisions for the Commonwealth to undertake other water recovery activities if those activities are agreed to by a state government and that state government has determined and agreed that such activities do not have socioeconomic disadvantage. Presumably, those state government agreed activities could include some form of buybacks if the state government has ticked off that there is no socioeconomic disadvantage in there. Are there any other circumstances aside from the whole manner of projects that could be covered in a state government agreement—so I am not asking you to specify what they are; they could be anything under the sun really if the state government has agreed to it—or projects that are part of an infrastructure water-saving recovery activity that are engaged directly between the Commonwealth and farmers? Is there anything else that you can foresee could happen where water buybacks form part of the expenditure of this money?

I invite you to check with the officials there because certainly it has been my understanding through elements of this debate as they have occurred that certainly it is the intention of the government. Really what I am looking to see is whether the intention matches up with the detail of the legislation and that the government is willing to put on the parliamentary record that the intention matches the detail of the legislation before the parliament. It has been my understanding that really they are the two areas. We have questioned how the buybacks would work, why it is that buybacks exist as an area in this bill for expenditure when the Prime Minister—when she announced this—made it very, very clear that she wanted this money spent on infrastructure. It came as a shock to everybody when the bill was released and we saw a buybacks provision there, hence a number of stakeholders and Senator Joyce and Senator McKenzie and I and others have constantly said: 'Why is this buybacks provision there? Why is this part of the bill?' During the Senate inquiry we asked all of those questions as well, and the impression we were distinctly left with was that it was there either for the types of infrastructure projects—and you gave an example, Senator Farrell—or for possible buybacks that might happen under a state government sanctioned and approved agreement with the Commonwealth. Are they the only two types of areas where buybacks are going to be facilitated, or is there something that I cannot foresee that could be allowed under the bill?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:29): This legislation is drafted the way it is, hence the buyback provisions that you are referring to, because that was the agreement. That was what was necessary to get the states and the Commonwealth to an agreed position on this legislation. I think that we all wanted an agreed outcome. We did not want the Murray-Darling Basin—

Senator Birmingham interjecting—

Senator FARRELL: I am answering the question in the way I think it needs to be
answered. You are trying to ask me to predict what is going to happen into the future. I cannot do that. What I can say is that if this legislation passes today, as I hope it will, we will have a sustainable long-term solution to the problems of the Murray-Darling Basin for the first time in Australia's history. That is what we want. That is the outcome we set out to negotiate. These buyback provisions are in here because that was what was necessary to get the parties to an agreed position. That is why they are there. Just how exactly, precisely, they are going to work in every situation into the future I cannot tell you—and I do not think anybody can tell you that. You are asking for answers to questions that cannot be answered. But there is an objective here that I think everybody in the parliament wants to see achieved—that is, a long-term sustainable return to health of the Murray-Darling Basin. We negotiated with the states. We negotiated with all the parties. We have got an agreed outcome. That is what is in this legislation. We do not want to see any adverse socioeconomic impacts along the Murray-Darling Basin and we believe that the way to achieve that is with this piece of legislation.

Senator BIRMINGHAM (South Australia) (10:31): There is an element of exaggeration and frustration creeping in here. I am not asking for Senator Farrell to make predictions of what will happen in the future; I am asking for him to explain how the government's legislation before us in this chamber at present will work in effect. That is exactly what I am trying to do. I am asking for him to explain how the government's legislation before us in this chamber at present will work in effect. That is exactly what I am trying to do. I have asked some of the officials sitting in the advisers' box next to you questions about this during the Senate inquiry and I have heard the answers they have given. I have tried to ask ever more leading questions in terms of how this is meant to work because they have given answers to these questions previously. Today all we are wanting is to get on the parliamentary record your answers to the same level of detail that officials in the Senate inquiries or behind closed doors have been willing to give so that the information is on the record for all to see and for all to ultimately hold the government to account should there be something in the bill that has not been foreseen. So I really would appreciate it if...
you were able to look at the detail of the bill and very clearly explain it for the record.

Maybe I have misinterpreted the advice I have heard along the way and, if I have, then tell me that this buyback provision is more open-ended than I had thought, at which point you will create all manner of concern in certain communities. But if this buyback provision is not open-ended, and you have said that general tenders could not occur under it—and you gave a clear answer to that and that will be very welcome—does that mean that targeted tenders could occur? Could any type of tenders occur? Or, as I have been led to believe, are the only sorts of buybacks that could occur either those that occur in tandem with infrastructure projects or those that are signed off by a state government? Please consult with the advisers and see whether you can give an answer that will be very welcome. If that helps you, then I am happy.

**Senator Farrell** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:36): I thought I had answered your question before, Senator Birmingham, but if I have not then I will make it as clear as I possibly can. The on-farm infrastructure and the state mechanisms are the only two ways in which we see the buybacks working. If that helps you, then I am happy.

**Senator Joyce** (Queensland—Leader of The Nationals in the Senate) (10:36): We are going to take that as the crucial answer. You have now confirmed that it is going to become a mechanism for infrastructure projects and that is where your buybacks will be. You have ruled out general buybacks. If that is not the case and you have not ruled out general buybacks, you must now clearly state that. I can assure you we will go back to our office and there will be a very irate minister from the state parliament of Victoria on one line, a very irate minister from the New South Wales state parliament on another line and an irate one from Queensland on another line, because the recommendations and the warrants that have been given to these people will be entirely different to what we are actually delivering.

I know it is crucial for you and that the predominant minister is the Minister for Sustainability, Environment, Water, Population and Communities, Tony Burke, but you do have advisers sitting approximately four feet away from you. It is also a recommendation about competency in the delivery of an answer, because this is not fluff. This is absolutely crucial to how people perceive and trust the government. You have been asking for our trust in a bipartisan way. We implicitly are also asking for this recommendation to be explicit and held to account, otherwise we will have to change this in such a way that it will be at some point in time. We have to know.

**Senator McKenzie** (Victoria) (10:38): Senator Farrell, my question goes to seeking clarification on the comment you made earlier about getting the parties to agree. Please clarify precisely which parties you were referring to.

**Senator Farrell** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:38): All the parties that were involved in the negotiations to get the Murray-Darling Basin Plan through.

**Senator McKenzie** (Victoria) (10:39): I am assuming the only parties that were negotiating that were from the basin states. I am seeking further clarification on the word 'parties'.

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**CHAMBER**
Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:39): All the parties that were necessary to get the legislation to the point where it passed the parliament.

Senator MCKENZIE (Victoria) (10:39): I refer to earlier comments Senator Farrell made about his desire for the legislation to protect communities. In that vein I want on the parliamentary record, as the shadow minister has requested, a guarantee that the government will not simply use the funds for the bill to expand or recommence a water recovery program.

The CHAIRMAN: The question is that Nationals amendment (1) on sheet 7335 be agreed to.

The committee divided. [10:44]
(The Chairman—Senator Parry)
Ayes.....................31
Noes.....................38
Majority..............7

AYES
Back, CJ
Birmingham, SJ
Brandis, GH
Cash, MC
Cormann, M
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H (teller)
Madigan, JJ
Nash, F
Payne, MA
Ruston, A
Sinozich, A
Williams, JR

NOES
Bilyk, CL
Brown, CL
Collins, JMA
Di Natale, R
Farrell, D
Feeney, D

NOES
Hanson-Young, SC
Hudak, S
Lundy, KA
McEwen, A
Milne, C
Polley, H (teller)
Rhiannon, L
Singh, LM
Sterle, G
Thorp, LE
Waters, LJ
Xenophon, N

PAIRS
Abetz, E
Conroy, SM
Boswell, RLD
Carr, KJ
Mason, B
Carr, RJ

Question negatived.

Senator HANSON-YOUNG (South Australia) (10:48): by leave—I move Australian Greens amendments (1) to (6) on sheet 7314 together:

(1) Schedule 1, item 2, page 4 (line 6), omit "can be achieved", substitute "must be achieved".

(2) Schedule 1, item 2, page 4 (line 21), omit "per litre", substitute "per litre in any 2 consecutive years and less than 1000 electrical conductivity for 95% of the time during those 2 years".

(3) Schedule 1, item 2, page 5 (line 1), omit "open", substitute "open to an average annual depth of 1 metre or more".

(4) Schedule 1, item 2, page 5 (line 5), omit "as a long term average", substitute "over a 3 year rolling average".

(5) Schedule 1, item 2, page 5 (after line 35), after paragraph 86AA(3)(a), insert:

(aa) purchasing water access rights in relation to Basin water resources to deliver environmental water to the environmental assets of the Murray Darling Basin; and

(6) Schedule 1, item 2, page 5 (line 37), omit "by", substitute "at least".

The first lot of amendments here go to the environmental objectives in the bill. In my
speech in the second reading debate I spoke about the inadequacy of guaranteeing the 450 gigalitre amount be returned. It says 450; we obviously need to understand that in order to achieve the environmental outcomes that we have all discussed that we want in order to restore the river's health, we would like to see at least 450 gigalitres returned. We also need some other environmental indicators in there.

This goes directly to what the objective of this bill is meant to achieve, and that is to guarantee the health of the system. I would like to hear the government's position on these amendments, seeing that we have heard directly from both the Prime Minister and the water minister that they both agree that 3,200 gigalitres in total is a minimum that is required in order to save the system and that it should not be capped at that amount.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:49): I thank Senator Hanson-Young. We have heard many times the Prime Minister say that she is committed to the outcomes that the senator just referred to. She has taken a great deal of interest in the formation of the Murray-Darling Basin Plan. I think that what has now been achieved by negotiations between the Commonwealth and the states gives us every prospect of returning the Murray-Darling Basin to good health and of protecting the communities that exist along the Murray-Darling Basin, including in your home state of South Australia, Mr Chairman.

I can certainly indicate that the Prime Minister fully supports the plan. She has been actively involved in keeping this process on track, and I think it is beyond question that she supports what has been achieved here in this agreement to restore the health of the Murray-Darling Basin.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (10:51): After reading the amendments put forward by Senator Hanson-Young, the coalition will not be supporting them. This would create a disaster, basically. The reason for this is that if you are obligated without question to provide all these outcomes then you would have to take action that could involve the shutting down of Deniliquin. You would have to take the water, as required—all of it—from Deniliquin, from Shepparton, from Mildura and from Berri. It would be an economic disaster. It is just impractical, taking into account the vagaries of the weather, to start asking for something, saying that the average daily salinity in Lake Alexandrina would have to be 1,000 microsiemens per centimetre for 95 per cent of the years and 1,500 microsiemens per centimetre for all time. If we get our heads put in a vice and told this is the predominant goal, then there is definitely no balance between social, economic and environmental outcomes. No-one would make a business plan upstream, with knowledge of these items, because they would know that at any point all their water could be purchased and taken. When you think about it, so many things are goals, because we have to take into account the vagaries of things that are before us. But when we make them explicit outcomes, then we completely and utterly turn the whole purpose of the plan on its head. I do not think that is economically credible. In fact, it is absolutely economically fatal.

Senator HANSON-YOUNG (South Australia) (10:53): Despite the hyperbole of Senator Joyce, I would just like to indicate that these amendments highlight what the environmental indicators are to ensure that the plan is meeting its objectives. If the whole point of the plan is to return the river system to health, then you need to know
what that health looks like and that is precisely what these amendments do. We have all agreed that we want to return the river to health. You actually have to put some indicators down—and Senator Joyce has indicated that he disagrees with that. That just proves that the coalition have absolutely no commitment to ensuring that the plan, as currently constructed, would fulfil its objectives. These amendments state very clearly in environmental terms what those objectives are. Either you believe them or you do not. Either you think that is what we are meant to achieve or you use as many weasel words as possible to ensure that you do not have to deliver. As a senator for South Australia I know that, unless we have these environmental targets identified and accepted, then the upstream states will continue to just dismiss the environmental concerns downstream, where we are, particularly when the next drought happens. My questions are, in order: firstly, what are the targets of the authority and of the government in relation to salinity in the lower reaches of the Murray, particularly below lock 1 and in the Lower Lakes? Secondly, what steps have been taken to address the issues of hypersalinity in the Coorong? There has been much talk about engineering works and further flushing to reduce the levels of hypersalinity in the Coorong. What steps are being taken in respect of that? Thirdly, if there is a minimum of 450 gigalitres via the mechanisms of this bill, what effect will that have on salinity levels in the lower reaches of the Murray, particularly below lock 1? And what modelling has been done by the government?

Senator XENOPHON (South Australia) (10:55): I have a couple of comments. The first amendment is pretty much identical to an amendment that I will shortly be moving that relates to having at least 450 gigalitres to ensure that there is a minimum amount, but I do have some questions about the prescriptiveness. It is not a criticism of Senator Hanson-Young, but it is a concern about how it will work in a practical sense.

I ask the parliamentary secretary for water, Senator Farrell: what does the government say are the targets for salinity in the lower reaches of the Murray, because of course it is South Australia that is more vulnerable and we know that in the last drought salinity levels were a real issue? For instance, what does it say about targets in respect of salinity in the Lower Lakes? I say, parenthetically, that we still have hypersalinity in the Coorong, which is a real issue, and I will get to that in a moment.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:57): I thank Senator Xenophon for his question. The questions you have asked are principally set out in schedule 5 of the Basin Plan. I will read those out to you for the record:

(2) The outcomes that will be pursued are:

(a) further reducing salinity levels in the Coorong and Lower Lakes so that improved water quality contributes to the health of macroinvertebrates, fish and plants that form important parts of the food chain, for example:

(i) maximum average daily salinity in the Coorong South Lagoon is less than 100 grams per litre; and

(ii) maximum average daily salinity in the Coorong North Lagoon is less than 50 grams per litre; and

(iii) average daily salinity in Lake Alexandrina is less than 1000EC for 95% of years and 1500EC all of the time;

(b) keeping water levels in the Lower Lakes above 0.4 metres AHD for 95% of the time and above 0.0 metres AHD at all times to help maintain flows to the Coorong.
acidification, prevent acid drainage and prevent riverbank collapse below Lock 1;

(c) ensuring the mouth of the River Murray is open without the need for dredging in at least 95% of years, with flows every year through the Murray Mouth Barrages;

(d) exporting 2 million tonnes per year of salt from the Murray-Darling Basin as a long-term average;

(e) increasing flows through the barrages to the Coorong and supporting more years where critical fish migrations can occur;

(f) in conjunction with removing or easing constraints, providing opportunities for environmental watering of an additional 35,000 ha of floodplain in South Australia, New South Wales and Victoria, improving the health of forests and fish and bird habitat, improving the connection to the river, and replenishing groundwater; and

(g) achieving enhanced in-stream outcomes and improved connections with low to middle level floodplain and habitats adjacent to rivers in the southern Murray-Darling Basin.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (10:59): It is important in considering these Greens amendments to clearly understand what we are talking about. If we turn this into a 'must', we have a peculiar position. I 'should' lose weight—I really should lose weight—but if it becomes a position where I 'must' lose weight then the question is: what happens if I don't? I suppose they would say 95 per cent of the time you should be underweight otherwise in three months time we will take you out and shoot you at dawn! You cannot just start taking things and making them absolute obligations. It is not credible. It is not economically responsible. You have a goal and that is it.

To go through the Greens amendments in seriatim, just so that Senator Hanson-Young knows that we have given this due consideration and proper respect for the work they have put in, amendments (1) to (4) have always been goals, not mandatory targets. It is not appropriate for such prescribed targets to be made mandatory in legislation. The termination of the Basin Plan process requires detailed consultation, advice from the Murray-Darling Basin Authority, the final tick-off from the minister and ultimately the ability of the parliament to disallow the plan. The Greens in the past have always supported the process of the authority of the MDBA, but when they are not getting the answers that they want, they want to ignore the consultative process and insert their own designs over the wider interests of the basin and the nation. You cannot have two positions. You cannot say, 'I want to support an independent MDBA but when I do not agree with them I want to override them.' You are either in the camp or you are not.

It goes beyond just the 2.1 million people who live in the basin; this is an economic statement about our nation and whether we take the capacity to feed ourselves seriously. Or do we believe that in the future we want to relinquish that right and be an importer of food, as you can see when you go to any supermarket where it is predominantly becoming the case? We might be a bulk exporter of grains and barley, but people do not go down for a feed of barley and wheat—they like to eat things that you can see. More and more this process is being imported. It is ridiculous to think we are going to close down a major section of production yet we are going to go to the supermarket and somehow find food that is produced by Australians. We want to be supporting Australia's capacity to eat Australian food.

In amendment (5) the Greens are trying to put into the objects of this bill the ability to purchase water. This is clearly inappropriate as an object clause, even if you do believe, like the government clearly does, that you
should be able to use the money in the buyback of water. The coalition does not believe that this money should be used for water buybacks, so we oppose this amendment.

Regarding Senator Hanson-Young's amendment (6), the coalition does not believe in setting a minimum amount of water in this bill. The government has not even shown that it can deliver 450 gigalitres. This is a premature promise to make and one that is largely made for political purposes. It does not take into account the reality—the actual hydrology.

Talking over the break, as I have, with water engineers and looking through issues of such things as shepherding, it is clear that a lot of the assumptions are just absurd. We are not going to be able to shepherd water from Queensland—from Toowoomba, from Warwick, from Killarney—down to South Australia. You are not going to be able to get water through the Culgoa Floodplain. Narran Lakes is a terminal system. The Mehi wetlands rarely deliver water into the systems downstream. The Macquarie River is a system that only delivers water into the Darling probably once in every hundred years. We always lose sight of the actual hydrology of Australia. It is not interconnected garden hoses; it is a flat, dry carpet. A lot of the presumptions are trying to force a hydrological outcome that is just blatantly impossible in so many of these issues.

So it is a political statement. It is hydrologically not improbable but impossible. How can this government start trying to stitch up something that is completely incongruous with the nature of the land that is actually in the basin? I live in the basin. We have 30,000 megalitres a day going past. Cecil Plains was completely and utterly inundated. Towns were cut off. I could not get here. I had to fly out. It was like an inland sea. That water is now arriving at St George and we are only getting 30,000 megalitres. It is still a big flow, but is only 30,000 megalitres a day. It is not a big flow by the time it gets here. By the time it gets to Dirranbandi it will be less. If any of it gets through to Bourke it will be very minor. You cannot start saying, 'Just because we deem it fit we are now going to demand that somehow nature has changed and that water, miraculously, does something that it has never done over millennia, over the history of the continent, and miraculously turn up in South Australia.' If you really want to do that, then we should be investing money in a massive pipeline. Of course, no-one is suggesting that.

In amendment (8), the Greens want to give priority to projects that deliver the maximum amount of environmental water. The coalition has always believed in the triple bottom line. It is a recommendation which we gave here. To get trust from people we had to show them that (a) we were not going to pull the economic rug out from underneath their feet and (b) we showed some signs of economic common sense—that we understood the quantum of the economy that is involved with the 2.1 million people who live in the basin and the food that they produce. You cannot say, 'Well, somehow they are going to produce the food but they are going to do it without the water.' They are not. It is as simple as that. We are going to shut down vineyards, we will shut down the horticultural crops, we will shut down that evil product, rice—how evil it is to feed people! Gosh, we don't want to be doing that with their basic standard carbohydrate in rice! And cotton—that is another evil product!

I always think the people who think cotton is evil should remove from their person every semblance of that product and then run
around the building and see how it feels. It is the sustenance of people to be clothed and fed, and, yes, they require water. If you are here today, you are a consumer of water. If you are wearing cotton, you are a consumer of water. If you have eaten a meal, you are part of the reason for the utilisation of water. To say that we can all somehow exist without it? You can—for approximately three days. Then you die.

In their amendment (9) the Greens are tying financial assistance to the states to getting at least 450 gigalitres. Now we are holding a financial gun to people's heads, and this completely goes against the mechanism in which we are trying to build up a system of trust and cooperation. And it has not only been between the government and the states; it has also been between the government and the opposition to show at times that legislation can go through these chambers with people working strenuously but for a targeted outcome. We acknowledge that and we did that, and I think the people in the wider community should understand that not everything is a pointless rhetorical fight or a barb. There are actually times when people sit down and diligently try to get to an outcome, because that is what people want in this chamber and the other chamber. They want adults if they can find them. They say, 'That's a good idea,' and get a couple of them. Does it mean we are entirely happy with everything in this? Of course not. But the responsibility was ours because we knew that the alternative process of dealing with this would be those as have been suggested by the Greens and Senator Sarah Hanson-Young. So many of these amendments would have been just disastrous for regional Australia, for the people of the Murray-Darling Basin, for our economy in general and for any person pushing a shopping trolley through any shopping mall throughout Australia who has a desire to see and gets a sense of security from Australian home-grown products delivered to them on their shelves. Once we lose sight of that concept, we have lost our soul, who we are as a nation.

In amendments (10) to (15) the Greens are proposing to move all the money appropriated in this bill forward in the estimates. This is incredible. The interesting thing about this is that it would test the government's mettle. I will concede this to Senator Hanson-Young: where we are now, a lot of this is rubbish because over the forward estimates there is only $55 million allocated. It is a $1.77 billion program, but there is only $55 million over the forward estimates. To be honest, it is a load of rubbish. There is no money there for it. It is a promise to a future government for them to somehow magically find money, and we are currently $262 billion in gross debt. So that will be an awfully good trick. You just have to also suggest who we are going to borrow this money off. I think the government would be rather interested. Their surplus is gone and they are going to have a $12 billion deficit, but this exacerbates it. But Senator Hanson-Young has clearly pointed out here—and I concede it—that the bona fides in actually delivering the money on this just are not there. There is no money for this. Somehow the concerns are placated in some way, because what on earth are you going to do with $55 million, which is really all you are talking about? That will go in administration charges. There is no real outcome in this.

The last amendment, (16), is just not necessary.

I hope we have shown that the coalition does actually peruse and give due consideration of issues that the Greens put forward. On each item, if you go down to it with some sort of competence and diligence,
it is just insanity. And, of course, that is where our nation would be if their economic process were to prevail.

Senator McKENZIE (Victoria) (11:12): I would like to ask Senator Farrell, who referred in the context of the Greens amendments in the answer to an earlier question, for a clarification of 'parties'. Was it a capital or a small 'p' in 'parties'? If it was a capital 'P', was one of those 'Parties' the Greens?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:12): You can take your pick. It can be a capital or a small 'p'. The point I am trying to make and have repeated is that we have now got to a point where there is an agreement between the parties to do something about the issue of restoring the Murray-Darling Basin to health. That means protecting the communities along the way and ensuring that all of the good things that we need to do to the environment are achieved. There have been a whole lot of people involved in that process, and we have now reached the point where today, if this legislation goes through, I believe we are well on the way to achieving those objectives that all of the people in the chamber say they want.

To the extent that people have been involved in the process and will be voting for this legislation today, that is all the political parties—even, hopefully, the Nationals. I have seen this argument going on between the Greens and the Nationals. What we want to achieve here is a proper, sensible solution for the first time to the problems of the Murray-Darling Basin. We are trying to get as much support for that position as we can and will continue to do that today. Hopefully, at the end of the day, we will achieve that objective and we will set the path forward for the achievement of sustainable communities along the Murray-Darling and good environmental outcomes.

Senator McKENZIE (Victoria) (11:14): I have a question for the mover of the amendments, Senator Hanson-Young. It goes to (10) to (14), the amendments to 86AG of the bill. I am just wondering if the senator could flesh out the data that she has used—

Senator Hanson-Young: We are not dealing with those.

The TEMPORARY CHAIRMAN (Senator Bernardi): Senator McKenzie, the committee is considering Australian Greens amendments (1) to (6), so you might just hold your fire there. The question is that Australia Greens amendments (1) to (6) on sheet 7314 be agreed to.

Question negatived.

The TEMPORARY CHAIRMAN: The committee will now move on to National Party amendments to schedule 1, item 2, Nos (1) and (2), on sheet 7336.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (11:16): by leave—As Leader of the Nationals in the Senate and also on behalf of the coalition, I move:

(1) Schedule 1, item 2, page 4 (line 12), at the end of subsection 86AA(1), add "while achieving neutral or beneficial socio-economic outcomes".

(2) Schedule 1, item 2, page 5 (line 31), at the end of subsection 86AA(2), add:

; (i) investing in water efficient infrastructure and other on-farm works.

We have always stated that there should be a balance. The whole purpose and premise of the inception of this is that there would be a balance between socioeconomic and environmental outcomes. It was explicit in the statements of the previous government, the Howard government, and also in the
statements made by the Labor Party. Therefore, if that is what we say to people, especially when you go to Griffith and Mildura and Shepparton and Forbes, then we should put our words into actions and actually state it clearly as a neutrality of socioeconomic outcomes in that piece of legislation and any pertinent piece of legislation that sits beside it, which this one obviously does.

We have to clearly dispel the fear that, all of a sudden, precedence is held by the environmental issues over the lives of the people in the basin. As I have said, we have so many issues that go away from the basin that mean people want a vibrant basin. People want to drink Australian wines. They want to eat Australian food. They want to see a manufacturing sector and that can only rely on having a product to put in a can by having our food processing sector, and this relies on a basin. Most importantly, the Australian populace want the capacity to go into a shop and buy Australian product. We believe in our nation, but if we do not have a clear dedication to economic neutrality then this is put under threat because all of a sudden other factors come into play and the fallout is that we lose the capacity to eat Australian food.

As I have said before, we will be a net exporter of food, but it will be unprocessed wheat, barley, beef. In more and more areas you see when you go into supermarkets that we are eating products that comes in from overseas. That is going to be exacerbated if there is a primacy of the environment over the capacity of the Australian people to produce an Australian product for an Australian population. We are already doing it in other areas—we are importing 72 per cent of our fish product and the majority of our grocery produce. Let us realise that. Every year you read of the shutdown of further manufacturing sectors in food processing.

I know the Labor Party have put at the forefront—and good luck to them—that they want to keep a manufacturing sector. But you cannot keep a manufacturing sector if you want to shut it down in favour of frogs. You have to decide which one comes first: the working family or the frog. Frogs are very important. I am not for one moment denying the rights of frogs, but we are hoping that the rights of people might be somewhere up there with them.

We have said clearly on this issue that we want to achieve a neutral or beneficial socioeconomic outcome. I think that is a fair requirement if we are fair dinkum about wanting to help working families and any other family who may be around. If we do not, we are quite clearly saying that we do not believe in working families, we believe in compromising the rights of working families for environmental outcomes. If that is the policy you want to take to an election well, good, take it. I do not think it will fly; I think it will crash and burn. But you cannot then selectively say at a later stage, 'We've changed our mind now that the crowd in the western suburbs of Sydney is getting a bit angry because we don't seem to be standing behind our own nation and we seem to have been overrun by green issues rather than working family issues,' and you want to change your rhetoric. This is a clear way to say that you believe, and it is doing it in such a way that you are not saying environmental outcomes are superior but you are at least putting them on a level playing field—and I don't know why we don't do it.

We want to make sure there is a clear object of investing in infrastructure and on-farm works. A clever country does increase its capacity to deliver more of a product with less input, but I have to say that one of the areas where we have been losing so much in research and development support from government has been in agriculture. If we
clearly focus on this, there are clever people out there who can do better things and grow more with the water they have—that is, if we invest as was always thought we should, by putting the majority of these funds into providing on-farm infrastructure outcomes. It is the simple things: making the water storage cells more economic; raising the level of ring tanks so we reduce the surface capacity proportion to the water held and therefore reducing evaporation.

In our area we lose about two metres of water each year to evaporation. Most of the water taken from the river goes up in the air. If it goes down the river it just goes up into the air in a different place, like a floodplain. The greater the capacity to reduce evaporation by the delivery of water through trickle or lateral systems, or the more appropriate storage in more efficient cells, making sure you keep one storage cell full, and as deep, as cool and with as low a surface area as possible—these are the sorts of things that can make real savings for us.

We have also had good examples of the lining of channels, especially around Warren, with a greater capacity and technical use of gates. These are the sorts of things that can be done and that provide water savings as well as a better infrastructure platform for the future. This is, in a way, building for the nation for the future. But that is completely different to just shutting things down. If you are just shutting things down there is no point whatsoever. It is basically abhorrent to our purpose in parliament because we are borrowing money from overseas—86 per cent of our debt comes from overseas—not to build productive capital so as to assist us to repay the debt but to retire capital and make it harder for us to repay the debt. That is economically Python-esque. Let us invest in ways to make our productive capital larger and more efficient so we have a greater capacity to repay our debts.

We have talked quite clearly in amendment (4) about re-investing in this cap. We have talked about having a buyback cap at 1,500 gigalitres. We have already purchased most of it. There are only about 249 gigalitres to go. That is where it should stop, and all water we get back to the river after that should come from environmental works and measures, putting a weir in, having less water, with water more of an environmental asset or on-farm works and measures, so we can keep the economic capacity and the economic quantum where it is and even let it grow in some instances, keeping the economic base of the basin right and keeping Australian products on Australian shelves. To do that we need to make sure we limit the amount of general buyback. For that last 249 gigalitres that would need to be purchased to make 1,500 gigalitres, we should make sure that is purchased strategically. There is still a lot of water, but there would be a diligent process.

It concerns us that the government does not want to walk down this path of capping it at 1,500 gigalitres, because that means they are going the lazy way, buying as much water as possible. The examples thus far with some of those processes have been bizarre, and in some instances completely incompetent. We have been through the Twynham issue and the Toorale issue, and there are many others we could deal with. We have to make sure this purchase is effective and efficient, and that it stays within the concept of both what we have put forward—that it is a triple bottom line between social outcomes for people who live in the towns, the economic outcomes for our nation and that vast area that is the Murray-Darling Basin—and the environmental outcomes, which was to start with the inspiration for trying to get a better outcome but which should not have been the
overarching principle from that point forward.

I move these amendments on sheet 7336. If the previous amendment that I put up had been passed I would not, but because it has not I think it is vital that we move these amendments.

Senator HANSON-YOUNG (South Australia) (11:27): I indicate the Greens' opposition to the coalition's amendments.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:27): I indicate that the government also does not support these amendments.

Senator McKENZIE (Victoria) (11:27): I note the Greens' opposition to these amendments and I stand with all coalition senators in wishing that the precautionary principle also applied to people in this case. I am very proud that we are choosing to make this legislation better for the people within the Murray-Darling Basin and their industries.

Our first principle as legislators and those holding legislators to account should be to do no harm. If you drive through Shepparton in northern Victoria, where there are 200 closed shops and where the local economy is underpinned by irrigated agriculture and food manufacturing, you will know the impact that the non-strategic buybacks have had on our local and regional economies. These are real people in real jobs delivering food and fibre not just to our nation but also to the world. Our amendments go to ensuring that, as parliamentarians, any legislation going through here ensures that it is not the environment over social and economic principles but that we can achieve a triple bottom line.

People involved in this debate have been made aware of the very real impact that non-strategic buybacks have had, and the impact of the lack of certainty out there in our communities at a local level, so our amendments go some way to addressing that lack of certainty. I recommend our amendments to the chamber.

The CHAIRMAN: The question is that the amendments moved by Senator Joyce, (1) and (2) on sheet 7336, be agreed to.

The committee divided. [11:34]

(The Chairman—Senator Parry)

Ayes ...................... 29
Noes ...................... 34
Majority ............... 5

AYES

Back, CJ
Bernard, C
Birmingham, SJ
Boyce, SK
Bushby, DC
Cash, MC
Colbeck, R
Cormann, M
Edwards, S
Eggleston, A
Fawcett, DJ
Fierravanti-Wells, C
Heffernan, W
Humphries, G
Johnston, D
Joyce, B
Macdonald, ID
Madigan, JJ
Mason, B
McKenzie, B
Nash, F
Parry, S
Payne, MA
Ronalson, M
Ruston, A
Ryan, SM
Sinodinos, A
Smith, D
Williams, JR (teller)

NOES

Bilyk, CL
Bishop, TM
Brown, CL
Cameron, DN
Carr, RJ
Collins, JMA
Crossin, P
Di Natale, R
Evans, C
Farrell, D
Furner, ML
Gallacher, AM
Hanson-Young, SC
Hogg, JJ
Ludlam, S
Marshall, GM
McEwen, A
McLucas, J
Milne, C
Moore, CM
Polley, H (teller)
Pratt, LC
Rhiannon, L
Siewert, R
Singh, LM
Stephens, U
Sterle, G
Thistlethwaite, M
Thorp, LE
Urquhart, AE
Waters, LJ
Whish-Wilson, PS
Wright, PL
Xenophon, N

CHAMBER
The CHAIRMAN: Senator Xenophon, do you wish by leave to move your amendments together?

Senator XENOPHON (South Australia) (11:36): by leave—1 move amendments (1), (4) and (5) on sheet 7315 together:
(1) Schedule 1, item 2, page 5 (line 37), after "by", insert "at least".
(4) Schedule 1, item 2, page 11 (line 20), after "by", insert "at least".
(5) Schedule 1, item 2, page 11 (line 34), after "by", insert "at least".

These amendments relate to the volume of water to be reclaimed for environmental use and are identical to the first amendment of Senator Hanson-Young. Currently the bill states a flat amount of 450 gigalitres. These items will amend the bill to state that 450 gigalitres is a minimum figure. This will give the account more flexibility and will emphasise the fact that it is vital that the greatest amount of water possible is set aside for environmental use. This amendment is also inspired by the wastage we have seen in other infrastructure funds where only a small number of projects have been approved and water returns have been smaller than expected. Last night I made reference to the fact that the Australian National Audit Office, the office of the Commonwealth Auditor-General, has been very critical of some infrastructure programs in terms of their effectiveness and the processes by which they have been approved. These amendments ensure that the object of the account is to increase the volume of water for environmental use by gigalitres, but that figure is the baseline and not the ultimate goal. It is about having a greater degree of transparency, of accountability and efficiency in terms of water being returned to the environment.

The TEMPORARY CHAIRMAN (Senator Bernardi): The question is that amendments (1), (4) and (5) on sheet 7315 moved by Senator Xenophon be agreed to.

Question negatived.

Senator XENOPHON (South Australia) (11:39): If I may, I just indicate that I am grateful for the support of the Australian Greens given for the last question. They seem to have been my only colleagues to have supported it. I want, on the record, to save the Senate time in respect of another division.

The TEMPORARY CHAIRMAN: Thank you, Senator Xenophon. We will now move to National Party amendments which I have listed as No. 1 on sheet 7337. Senator Joyce, if you would like to incorporate other amendments, I am sure the Senate can consider that.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (11:39): If I may, I just indicate that I am grateful for the support of the Australian Greens given for the last question. They seem to have been my only colleagues to have supported it. I want, on the record, to save the Senate time in respect of another division.

The TEMPORARY CHAIRMAN: Thank you, Senator Xenophon. We will now move to National Party amendments which I have listed as No. 1 on sheet 7337. Senator Joyce, if you would like to incorporate other amendments, I am sure the Senate can consider that.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (11:39): Thank you, Chair. I move amendment (1) on sheet 7337:
(1) Schedule 1, item 2, page 5 (lines 36 and 37), omit paragraph 86AA(3)(b), substitute:
(b) increasing the volume of the Basin water resources that is available for environmental use by up to 450 gigalitres.

We were thinking of delaying because we were thinking, for brevity, of moving a few more of these amendments together. The amendment under discussion is to make sure that we remove the words 'up to'. This is basically about making sure that 450 is a target that does not become explicit in the requirement. If we define 450 gigs, that...
could cause real problems. It is an object, it is a target we want to achieve, but we do not want to have any sort of suggestion that we are being held over a barrel for it.

Just understanding the quantum of this water, this is as much water as South Australia has. It is a large, large requirement and they have only allocated $55 million over the forward estimates for this. So it is kind of absurd to say, 'We are going to lock in this 450 gigs', even though with the real dollars that count in the forward estimates we only have $55 million. You have not got a hope. You will not get anywhere near it. This is to make sure that the process is not tied to having to make sure of 450 gigs. It is ambiguous at the moment. We want to remove the ambiguity because ambiguities can work in both ways. They can work in your favour and they can work against you. We note the Greens and Senator Xenophon want to make a minimum. Obviously that would cause absolute problems. You would have to ask: where do you intend the water to come from—which towns, what areas? Then we would have to discuss with those people what we were going to do with their houses and where we were going to move them off to. I think they would deserve that right.

What this amendment talks about is omitting from paragraph 86AA(3)(b) and substituting:

(b) increasing the volume of the Basin water resources that is available for environmental use by up to 450-gigalitres.

We believe that in the use of the words 'up to' we are not going to be tying people into an outcome which the reality is we do not have the money for.

Even if you budget out the 450 gigs, it is looking at about $4,000 a megalitre and the current cost of where we are at the moment is around $10,000 a megalitre. If we really want 450, just purely from an accountant's perspective it is completely impossible to be able to deliver the outcome that you are requiring with the money available. It is just not possible so why do we say two incongruous things? It is like saying, 'I demand we buy a car for $4.50.' They are two incongruous statements. We should realise that the money that we have can aim towards a target but, with the $55 million we have in the forward estimates, you are not going to get anywhere near there. You are not even going to scratch the surface of what is required.

Obviously from a socioeconomic position—trying to look after the people of regional Australia and making sure that we maintain the capacity to provide Australian shelves with Australian food—we must provide the socioeconomic sustenance of the community. If we get to where we are passing the economic tipping point, where they are shutting down production facilities, losing manufacturing jobs, losing the underwriting of the value of houses and losing the capacity to underwrite the service industry that is pertinent to these towns, we are not going to compromise them for a number. We are going to make sure we look after the people first, so we set 450 gigalitres as a target. This amendment clearly states that we are not going to be held over a barrel by it.

Senator XENOPHON (South Australia) (11:44): I will comment on just the final part of Senator Joyce's contribution about jobs being lost. That is a concern I have very deeply for regional communities. I can tell the story of Ron Gray, a Riverland irrigator who has been a champion for decent country-of-origin food labelling laws in this country. Australian citrus growers are competing with concentrate for which we have had positively misleading food labelling laws under which you can call orange juice 'made in Australia' but it could
be 90 per cent Brazilian concentrate. What are Ron Gray and his fellow farmers doing? They are ripping up their trees. It is absolutely heartbreaking.

The issue of water is absolutely critical but we also have issues about the high Australian dollar—an artificially high Australian dollar—that is killing our farmers. There has been no decent policy response from the Australian government to this. There is also the dumping of products from overseas at below cost. We have weak antidumping laws. There is another issue of our food labelling laws, which are woefully inadequate. I know that Senator Joyce and then-senator Bob Brown co-sponsored a bill. If that is not an unusual unity ticket in relation to country-of-origin labelling laws, I do not know what is. Senator John Williams has been absolutely passionate on this issue as well. So, let us look at a whole range of issues as to why jobs are being lost in regional communities. It is because of the policy failures of successive Australian governments in relation to country-of-origin labelling and the dumping of products from overseas below cost. Right now in this country our food labelling laws positively mislead consumers, and the government's response has been woeful.

I cannot support Senator Joyce's amendment because, by saying 'up to 450 gigalitres', means it is simply aspirational. There are no real teeth to the amendment. You might as well say 'up to 450 squillion gigalitres'—I do not know what 'squillion' is defined as in the Macquarie Dictionary—but, whatever the amount, 'up to' does not give it any real teeth.

My question to the parliamentary secretary, and this is not in any way a criticism of Senator Joyce, is about the reference to 450 gigalitres being about the amount that South Australia takes from the Murray. It would be useful to put on the record what the present amount is. I have a view as to what the amount is but I may be quite wrong. The parliamentary secretary, through his advisers, might be able to assist us on that.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:47): There are a few things to respond to there. Firstly, I indicate that the government does not support the amendments that Senator Joyce is moving. We did seem to get off the legislation a bit, talking about some of the matters that Senator Xenophon referred to. Talking about trees being removed, one of the great benefits of this legislation will be that those beautiful red gums along the Murray will be restored to health by virtue of this legislation. There is a very famous band of that name—Redgum, which I think I have heard. In answer to Senator Xenophon's question, my recollection of the figures is that, certainly prior to the drought, Adelaide took about 200 gigalitres off the Murray. There were about 40 gigalitres from other parts of the state and the total amount extracted was about 600 gigalitres, so that would include all of the extra water for irrigation. Putting that into perspective, when Senator Joyce says that 450 is more than comes out of South Australia, in fact it is probably less.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (11:49): In the context of the 450 gigalitres-amendment that is in front of us, Senator Xenophon, you are absolutely right to raise those issues. I ask the parliamentary secretary on the issue of 'up to 450 gigs': if the government is not going to agree to the amendment to have in place up to 450 gigalitres, which is entirely the appropriate thing to do, if the 450 gigalitres simply cannot be reached through the infrastructure
efficiencies and the works and measures, what happens then? What if you simply cannot get that? We have already had some discussions around the 650 currently in place for the states to reach through the environmental works and measures and the efficiencies. There is some consternation about whether we will be able to reach that. What happens in the event that we do not have the wording 'up to 450 gigalitres' and that simply cannot be found through the efficiencies and the works and measures?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:50): I have an update on the figure I mentioned a moment ago—a more exact figure. The total South Australian extraction is 665 gigalitres a year. I was about that mark but it was slightly higher. On Senator Nash's question, our objective is to get 450 gigalitres. That is part of the agreement that has been reached between the Commonwealth and the states. We are confident that that figure will be reached. I do not think we really want to get into hypotheticals as to what may happen if we do not reach that figure, but that is the objective of the government. We are confident that that figure will be reached. I do not think we really want to get into hypotheticals as to what may happen if we do not reach that figure, but that is the objective of the government. We are confident that that figure will be reached and that what we have agreed in order to get this historic piece of legislation through the parliament will be achieved.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (11:51): I note that the parliamentary secretary has used the word 'objective' and I agree, of course, that that is the intent of the government. So, if it is an objective of the government, why is the government opposing the amendment by saying that 'up to 450' is perfectly in line with an objective to reach 450 gigalitres, and on what basis is the government confident that the 450 gigalitres will be available through those processes? Specifically, what work has been done to identify that so that the parliamentary secretary can make the claim that he is confident that that 450 gigalitres will be reached through those processes?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:52): Thank you, Senator Nash, for the question. I know Minister Burke, and I know that when he says we will get to 450 gigalitres that is what we will do.

Senator Nash: Seriously? That's what you're basing it on?

Senator FARRELL: There is no trick about this. There is not a sleight of hand here, Senator Nash.

SenatorWilliams: That'd be a first.

Senator FARRELL: You can say that, Senator Williams, but this government has achieved what no government in the past, in Australia's history, has been able to achieve. That is, for the first time, agreement between the federal government and the states on the restoration of the communities in the Murray and the environmental outcomes. We have achieved that. Most people thought that was impossible. We have achieved it. When we say we are going to implement this plan, that is exactly what we are going to do: we are going to implement this plan. We are going to restore the environmental health of the Murray—we are going to see those red gums returned to health along the Murray and the Murray-Darling—and we are going to protect those communities that rely on the water from this river. That is what we are going to do. That is what we have set out to achieve, and that is what we will do—if you pass this legislation.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (11:54): I was hoping for a rather more fulsome answer from the parliamentary
secretary as to what work had been done through the process to underpin his claim that the 450 gigs will be reached. I am sure the parliamentary secretary will forgive me for not being prepared to take on board his assurance, 'The minister says it will be so, so therefore it will be,' from a government that said there would be no carbon tax under this government with the Prime Minister that currently leads it. So the parliamentary secretary may be able on a bit of reflection to provide rather more assurance to the chamber on the detail that underpins his claim that the 450 gigalitres will be reached. Otherwise there is absolutely no reason for this government to oppose this amendment, because what the amendment does, as I said earlier, is to align what the parliamentary secretary just said—that the 450 gigalitres is the objective. This amendment reflects that intent very clearly.

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (11:55): Strike me down with a bolt of lightning, but when we get the statement, 'Because we say it, it's going to happen,' one thing comes into my mind, and that is, 'There will be no carbon tax under a government I lead.'

Senator Williams: 'There'll be a budget surplus.'

Senator Joyce: Yes, a rolled gold budget surplus. So I am sorry if there is a hint of cynicism, but I think that for Minister Burke it is just skiing downhill very quickly from that point as to where exactly this all leads.

What I can also say—without being a smartypants—is that, in regard to the figures, Senator Farrell is correct that 665 is our current position, but this legislation is subsequent to the current position and I think you will find that 483 is the position you are at after the plan. Therefore, if you are talking about 450, that is proximate to 483, and if you have 200 wandering off to Adelaide then that is vastly more than the agriculture sector in South Australia uses. If we are to suggest to South Australia that we are going to take all the water from their farming sector and half the water from their major city, I think they would be rather surprised.

So these are all the questions that we have. These things should be straight off the top of your head. Yes, you are dead right that 665 is now, but we are not living in now; we are talking about a subsequent piece of legislation after the plan is complete. After the plan is complete, by your own figures, you believe that we will end up with about 483 gigs, and if we are taking 450 and it is from buyback and there are no real controls on it then there would be the possibility to take all the water from South Australia and some of the water from the city of Adelaide. I do not think you want to do that. That is why we try to set down targets and not get people compelled to reach these outcomes. I might also tell you that is more water than I think you will find Queensland is extracting at the end of this plan, so once more you are going to shut down all the irrigation towns in my area. To be honest, I live in an irrigation town. I think Senator Nash and Senator McKenzie are also in the basin. But this is why it is extremely important that we get this right.

It also stands to reason that if there were some authenticity about this figure and if the government actually meant it itself then it would have to allocate money in the forward estimates. It has not. It has no intention of allocating money in the forward estimates, because there is no money. What the government has made is this massive promise out into the never-never. How are you going to hold anybody to that? Also, most importantly, 'up to' was what was originally there. That was the original position, so why did it change? Why did we
change away from ‘up to’? It is quite simple: to placate the government’s coalition colleagues in the Australian Greens. That is well and good, but one may be so bold as to suggest that, in placating your coalition colleagues in the Australian Greens you are doing yourselves unmitigated damage in your own political branding.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (11:59): I ask the parliamentary secretary: if the amendment is not successful and the wording in the legislation remains ‘450 gigalitres’, will he unequivocally rule out that any of that 450 gigalitres will come from buyback at any stage?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:59): I could not follow your question there, Senator Nash. Could you just repeat that?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (11:59): It is fairly simple, really. We are discussing the terminology ‘up to 450 gigalitres’. We have not been assured on this side of the chamber that the 450 gigalitres is attainable through the processes that are outlined. If the 450 gigalitres cannot be attained by the government, or by whoever is in government at the time, through those infrastructure works and the efficiencies, will the minister unequivocally rule out that any of that 450-gigalitre requirement will come from buybacks?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:00): You were not in the chamber earlier, Senator Nash—I know that you have come in recently. This issue was dealt with quite extensively earlier in the debate and so I recommend that you go and read those comments made earlier.

The fundamental answer to your question is that we are confident that we will achieve that 450 gigalitres. That is the answer and we are not speculating about any other outcomes. We believe that is a realistic objective and that that is what we will achieve. That is what we agreed and that is what the legislation says. We intend to honour our commitments made in this legislation and carry them through.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (12:01): I do appreciate that I was not able to be in the chamber earlier, Minister, but I am asking in relation to this particular amendment. In the event that the amendment is not successful, we are left with the wording as it currently stands and I just require from the minister for the chamber a simple yes or no answer. I do not want to hear that it is the intent of the government to do it; I want a simple yes or no from the minister as to whether he will unequivocally rule out any of the 450 gigalitres coming from buybacks in the future.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:01): These questions were answered earlier in the proceedings and I suggest that you read my answers to those questions.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (12:01): I am sure if the minister has already answered it, he is very capable of doing it again. It is a very simple yes or no answer.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (12:01): With due respect, Minister, I think that even if Senator Nash had been here for your answers, she would have found that you did not actually really give an answer. I am quite
comfortable with Senator Nash having another crack at trying to get something resembling blood out of a stone, because there were non-answers, prevarication and obfuscation before.

Senator McKENZIE (Victoria) (12:02): I would like you to answer it, Senator Farrell, and I was in the chamber at the time. My question refers to your answer earlier but, if you could, I would like you to repeat it for Senator Nash's benefit at this particular stage of the proceedings so she can fully participate with her unique knowledge of irrigated agriculture and communities in New South Wales, something she knows so much about. My question is: if the existing on-farm efficiency programs are not taken up in a significant way by farmers, how will the government achieve its 450-gigalitre target?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:03): I will make it about as simple as I can. I will read from the legislation, Senator McKenzie. Note 1 in schedule 1 says:

As a result of subsection (4) of this section, water access rights may be purchased only if the purchase is related to an adjustment of a long-term average sustainable diversion limit under section 23A. That section requires the Basin Plan to prescribe criteria in relation to such adjustments. The effect of the criteria prescribed by the Basin Plan is that water access rights may be purchased only in conjunction with improving irrigation water use efficiency on farms or an alternative arrangement proposed by a Basin State.

Note 2 says:

Under this Part, the Commonwealth will not conduct open tender rounds that are available to all water access entitlement holders in a water resource plan area to purchase water access rights.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (12:04): Senator McKenzie did ask the minister—and I thank Senator McKenzie for her intervention—to answer the question that I had asked earlier. To assist the minister I will ask again: could the minister give us a yes or no answer whether the government will unequivocally rule out that in the future any of the 450-gigalitre target will come from buyback and, if the minister cannot say that that is correct and that none will come from buyback, do basin communities now have the understanding that there is a possibility that the 450 gigalitres will indeed come from buyback? That is the only way basin communities will be able to read this if the minister is not prepared to unequivocally say that it will not come from buyback.

Senator McKENZIE (Victoria) (12:05): I really have to support Senator Nash on this. The Nationals are asking the chamber to reinstate the 'up to' that was removed from the original bill. I was part of the inquiry into that piece of legislation and everyone was quite happy with the flexibility that 'up to' gave the states that are going to have to implement this piece of legislation on behalf of the Commonwealth. They were happy with that flexibility because everybody understood that science gets better and farming gets better. We are not irrigating now the way we irrigated 30 years ago. Our farms are incredibly efficient and we believe that we can make them more efficient. So what is the use of being prescriptive about a number and not allowing states, communities, farmers et cetera to exercise flexibility in how we achieve enough water for the environment? Through a lot of questioning right now, we do not know exactly how much water is required by each of these environmental assets at any one given time, so why be so prescriptive about a volume?

You mentioned the intent of the legislation. I understand the minister's intent
is not to cause socioeconomic damage to basin communities, so why will he not allow his Senate colleagues to support National Party amendments which enshrine that intent in legislation? That is simply what we are trying to do today. I sat in the inquiries in which we were talking about 'up to'. I was part of the discussions which saw it very quickly removed from the legislation. I would like if, in addition to answering Senator Nash's question, you would answer mine: why did you remove 'up to'?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (12:07): If the minister does not want to answer questions, perhaps he could rise and give an indication to the chamber why he is refusing to answer questions. This is most extraordinary given the gravity of the issue. The fact that the minister is not prepared to give the chamber the respect of an answer is extraordinary. They are very, very simple questions. We need a yes or no answer to whether buybacks will be considered as part of the 450 gigalitre requirement and why 'up to' was removed. These are very important questions and the fact that the minister is refusing to rise and answer very simple questions takes away any small amount of confidence we on this side of the chamber may have had in the process. I assume the minister will sit there and will not stand up again, or if he does it will be to make a prevaricating comment such as Senator Joyce referred to.

On this side of the chamber we can only have the understanding that buybacks may be part of the 450-gigalitre requirement in the future. We have to assume that, because the minister will not give us an answer otherwise. We already have the 2,750 gigs—this is over and above—and 'up to' is a perfectly appropriate request of the government. The government know this because, as my colleagues Senator Joyce and Senator McKenzie said earlier, it was originally in the legislation. The government know that this is the right thing to do and that it is appropriate. This is only because of the fact they are being corralled and handcuffed by the Greens on this issue, which is no way to run policy, particularly water policy. I give the minister another opportunity to answer my question, with a simple yes or no, or it will have to be the understanding of this chamber that buybacks indeed may be a part of the 450-gigalitre requirement.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:10): I thank Senator Nash for her question. I have answered the question. Senator Nash may not like the answer, may not like the way in which I have answered or may not accept the answer, but I will read it again from the notes in the legislation:

Under this Part, the Commonwealth will not conduct open tender rounds that are available to all water access entitlement holders in a water resource plan area to purchase water access rights.

I am not sure how I can make it any clearer to Senator Nash. If you do not accept my answer then continue with your amendment and we will vote on it. That is obviously the way we will resolve this issue, but I am not prevaricating. I am answering your question in the most honest way I can, and that is by referring to the legislation itself. You may not accept it, but it is the answer in one of the notes to the legislation. I think it resolves the issue.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (12:11): It does indeed resolve the issue. The minister well knows that quoting a piece of legislation that has been subject to interpretation is in no way, shape or form the same as giving the chamber a very direct
answer that no, buybacks will not be included in the 450-gigalitre requirement.

Senator McKENZIE (Victoria) (12:11): In referring to comments the minister made around the intention of the government to buy back or not water for the 450 gigs, he also said at the end of his comment 'or alternative arrangement'. That means: 'We are not going to do it for all these reasons, all these caveats, or we might seek it through alternative arrangements.' Can the minister provide us with some information on discussions with the states that may assist in clarifying what those alternative arrangements may be?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:12): My understanding is that this was at the request of the states, so we would expect to hear from them once this legislation passes.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (12:12): For my interest, which states?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:12): I do not know which states in particular. It was part of the negotiations that took place to get us to the point where we have this legislation.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (12:13): You talk about negotiations with the states, but when asked which states you say you do not know which states, but you do believe you will find 450 gigalitres—'Just trust us! I love you in the morning, the cheque's in the mail and trust me, we'll get 450 gigs!' Which states the agreement was made with is pretty pertinent. I imagine we can rule out Western Australia and Tasmania, but after that it gets a bit cloudy as to which ones we are talking about. Are they all on board? Is South Australia on board? New South Wales? Are we talking about both of them?

When you think about it, your capacity to deliver this is crazy. Even if you did it is financially impossible, because we do not have the money. It is hydrologically impossible because even Dr Dickson, the head of the MDBA, stated that they came up with 2,750 because of the restraints that made it highly unlikely that you would get any water further down. Hydrologically, by the department's own words, this is improbable. There has been no socioeconomic study to say whether it is moral

You are affecting people's lives unreasonably—destroying them—and financially it is completely and utterly impossible. It is $55 million out of the forward estimates—it is just not going to happen. Even the $1.77 billion is a cost that you cannot possibly provide. It is costing around 10 grand a meg at the moment and you think you are going to do it for four in the future. It is just madness! I know you have to say, 'We believe strongly that we can deliver 450,' but it is just not right.

Senator McKENZIE (Victoria) (12:15): Given that we are discussing the flexibility around the 450 figure, I just wonder if the minister could actually answer how much water has been bought in the Goulburn-Murray irrigation district?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:16): I thank Senator McKenzie for her question. In the Goulburn region in total it is 298.5 gigalitres through purchase and infrastructure.

Senator McKENZIE (Victoria) (12:16): What was the socioeconomic impact of that water removal on those communities?
and Urban Water) (12:17): I am not sure where we are heading with all of this. The whole purpose of this piece of legislation is to try and do two things: restore the health of all of those communities that rely on the Murray-Darling Basin and improve and restore the environmental health of the Murray-Darling. All of the purchases that have been made have all been designed to achieve that outcome. We want this legislation passed so that we can continue the work that we have started, and so all of those communities that you, obviously, are concerned about in the area you have just mentioned can get the benefit of this legislation.

You can doubt whether or not we will achieve our goals. I am confident that the work that has been put in, the agreements that have been reached and the efforts that the federal government and the states have put into this legislation—

Senator Cash: The states you do not know about!

Senator Nash: Which states?

Senator Farrell: You can have smart alec answers, Senator Nash, but the reality is that we intend to restore the health of the Murray-Darling Basin. Buybacks have been part of that process, and once this legislation is through we will continue to achieve that goal. That is what we have set out to do, and those communities that you are concerned about, Senator McKenzie, will benefit by the passing of this legislation and the restoration to the health of the Murray-Darling and all of those communities within it.

Senator McKenzie (Victoria) (12:19): Thank you. Minister, please do not take my questioning to be that I am not concerned about the ongoing sustainability of my communities or their reliance on a healthy river system.

Senator Farrell: Senator, I never said you were not.

Senator McKenzie: Okay—I am just clarifying that, because I am. If we are not going to legislate flexibility into the number and if we have failed to put into the legislation no socioeconomic detriment, then I think it is fair enough that I ask the people who are doing the purchasing and who are asking us to trust them—asking our communities to trust—about the water that has already been purchased from irrigation districts. My understanding from my conversations within communities, particularly in northern Victoria and also evident throughout the inquiry into this piece of legislation, is that the lack of trust is out there. I simply want to give the government the opportunity to put on the record why basin communities should trust that it is not going to come at socioeconomic detriment. It is as simple as that.

Given that I doubt I am going to get an answer around the socioeconomic impact of the water already removed around this issue, I ask the minister what he thinks the impact is of environmental science research and development on watering environmental assets? Obviously, water engineering innovation will have an impact on the use of water not only for agricultural purposes but in watering environmental assets efficiently and effectively.

Senator Farrell (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:21): Senator McKenzie talks about her concern for the Murray-Darling Basin communities. I was born in Murray Bridge; I have a sense of what those communities want and need out of this legislation. I am confident that the things we have done so far and the things that we will be able to achieve into the future once this legislation is passed will do what
you claim you want—and I do not dispute and I accept that you want those Murray-Darling Basin communities restored to health and prosperity. All of the things you have mentioned are things that the federal government is doing. All of those things will be things into the future that will assist in that restoration process.

The key here is to get this legislation through. The key is to say to these communities: ‘We have now got some certainty. We now know what direction we are heading in.’ That will ensure that those communities that are seeking the support that we are going to get from this process do so and that all of that can happen. It can only happen once we pass this legislation. That is why the government is pushing ahead with it. We have reached agreement with all the parties about how to proceed with this. Now we want to implement it. The only way we can implement it is by passing this legislation. The sooner we pass it, the sooner what you say you want—namely, the restoration to health of those communities—will be achieved.

Senator McKENZIE (Victoria) (12:23): My questions went to the removal of the words ‘up to’ and the legislation before us today, without the Nationals’ amendment being agreed to, takes away some flexibility. I have a science degree. I am concerned about being so prescriptive with a number when we do not know so much of the detail. I am confident, Senator Farrell, that our scientific community, water engineers, farmers and environmental scientists will get better at how we use water. So to not put ‘up to’ in the legislation is being derelict; it is being prescriptive. We could be actually collecting water under this legislation that we do not have to use and that we do not have to take out of communities, simply because you needed to do the deals with the parties you needed to do the deals with.

Senator Farrell, it is lovely to hear that you are from Murray Bridge and it is a pity you are not sitting over here on our side of the chamber, maybe as a National Party local member.

Senator Farrell interjecting—

Senator McKENZIE: I note your wry smile! Be that as it may.

Senator Back: I’m sure Barnaby is still open—

Senator McKENZIE: The option is there. You mentioned the word ‘certainty’—that we have got to get this legislation through so that we can be certain and so that those communities can have certainty. If you take 450 gigalitres and if they are not able to be flexible in the number and are not able to innovate and get better at what they do, then you are just continuing the uncertainty for these communities rather than backing them, backing our scientists and our states in the agreement that was reached with them—that is, that it would be up to 450 gigalitres.

Senator MADIGAN (Victoria) (12:25): Minister, are you or the government aware of the water/land buybacks around Benjeroop, Stanhope and Carag Carag in Victoria and their effect on the communities socially, economically and environmentally? And are you able to explain to the chamber what will happen with the land that the state government has bought, now that the water has been stripped from those lands to return it to the environment? And what is the effect on these communities?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:26): I thank Senator Madigan for his questions. I am not personally aware. I understand they are state government programs that you are referring to, but I will attempt to get some information to answer your question.
Senator McKENZIE (Victoria) (12:26): I am really fascinated—the Murray Bridge has captured my imagination, Senator Farrell. Going on from Senator Madigan's questions, have you, Minister, during this debate, been to the northern Victorian communities and seen these irrigation districts?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:26): Yes, I have spent a bit of time in that area, but I am not sure what my travel arrangements have got to do with this debate. We are at the point where this legislation has been agreed between the federal government and the states. We want the restoration of the health of the Murray-Darling Basin to happen as quickly as possible. We want this legislation to pass and we want to get on with the job of the restoration of its health.

Senator McKENZIE (Victoria) (12:27): Thank you for your indulgence, Mr Temporary Chairman—this is my last question. The removal of 'up to' removes flexibility and makes assumptions about the figure of 3,200 gigs. I would like to know what work has been done to make that so prescriptive. The legislation as it was drafted, as agreed to by the states, with the inbuilt flexibility was changed at the very last minute. What new data or research was there from the time of the inquiry starting to the inquiry finishing and to when the legislation was changed?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:28): We know from what Senator McKenzie said about her science degree that she is a very smart lady and a smart senator as well. Senator, what we want to do is what you say you want to do—that is, restore the health of the Murray-Darling. The government has received all sorts of information about the best way to proceed to achieve that—information from its own departments and advice from the states. We have now reached a consensus position here between the federal government and the states. We want to implement that and the best way we can do what you say you want—to achieve the restoration of health of these Murray-Darling communities—is to pass this legislation.

The CHAIRMAN: The question is that amendment (1) on sheet 7337, moved by Senator Joyce, be agreed to.

The committee divided. [12:34]

(The Chairman—Senator Parry)

AYES

Back, CJ (teller)                    Bernardi, C
Birmingham, SJ                    Boyce, SK
Brandis, GH                       Bushby, DC
Cash, MC                          Colbeck, R
Cormann, M                        Edwards, S
Eggleston, A                      Fawcett, DJ
Fierravanti-Wells, C              Fifield, MP
Heffernan, W                      Humphries, G
Johnston, D                       Joyce, B
Macdonald, ID                     Madigan, JJ
Mason, B                          McKenzie, B
Nash, F                           Parry, S
Payne, MA                         Ronaldson, M
Ruston, A                         Ryan, SM
Sinodinos, A                      Smith, D
Williams, JR

NOES

Bilyk, CL                        Bishop, TM
Brown, CL (teller)                Cameron, DN
Carr, KJ                         Carr, RJ
Collins, JMA                     Crossin, P
Di Natale, R                     Evans, C
Farrell, D                       Feehely, D
Furner, ML                       Gallagher, AM
Hanson-Young, SC                  Hogg, JJ
Ludlam, S                        Ludwig, JW
Lundy, KA                        Marshall, GM
McEwen, A

CHAMBER
NOES
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS
Xenophon, N

Polley, H
Rhiannon, L
Singh, LM
Sterle, G
Thorp, LE
Waters, LJ
Wright, PL

PAIRS
Abetz, E
Boswell, RLD
Kroger, H
Scullion, NG

McLucas, J
Conroy, SM
Wong, P
Faulkner, J

Question negatived.

Senator HANSON-YOUNG (South Australia) (12:37): by leave—I move amendments (7) and (10) to (16) on sheet 7314 together:

(7) Schedule 1, item 2, page 5 (after line 37), at the end of section 86AA, add:

(4) To achieve the object of this Part, the authority must propose an adjustment under section 23A to increase the volume of the Basin water resources available for environmental use by at least 450 gigalitres with the water to be secured by 2019.

(5) The Authority must propose the adjustment by 31 December 2016.

(10) Schedule 1, item 2, page 9 (line 16) (cell at table item 1, column 3), omit "$15,000,000.00", substitute "$187,000,000.00".

(11) Schedule 1, item 2, page 9 (line 16) (cell at table item 2, column 3), omit "$40,000,000.00", substitute "$212,000,000.00".

(12) Schedule 1, item 2, page 9 (line 16) (cell at table item 3, column 3), omit "$110,000,000.00", substitute "$282,000,000.00".

(13) Schedule 1, item 2, page 9 (line 16) (cell at table item 4, column 3), omit "$430,000,000.00", substitute "$602,000,000.00".

(14) Schedule 1, item 2, page 9 (line 16) (cell at table item 5, column 3), omit "$320,000,000.00", substitute "$492,000,000.00".

(15) Schedule 1, item 2, page 9 (line 16) (table items 6 to 10), omit the table items.

(16) Schedule 1, item 2, page 9 (after line 16), at the end of section 86AG, add:

Note: Any amounts standing to the credit of the Water for the Environment Special Account at the end of a financial year remain available to be debited during subsequent financial years for the purposes mentioned in section 86AD.

These amendments in particular go to the time frame of this piece of legislation and the required timing of when the extra water—450 gigalitres—is to be returned. We know, of course, that the rest of the plan has to be in place by 2019, but the disappointing and concerning aspect of this legislation is that this extra 450 gigalitres is not required to be returned to the environment until 2024. That is 11 years from now. If we have all agreed that we know the best available science says 3,200 gigalitres is the absolute bare minimum—it is not even enough, much of the scientific evidence says—why on earth would we want to wait and blow out that time frame to 2024? South Australia is not going to be able to handle waiting that long in order to replenish our Lower Lakes and the Coorong and to keep Adelaide’s drinking water healthy.

Of course, climate scientists are telling us already to prepare to go back into drought over the next couple of years. We are going to be back in a drying period long before 2019 and long, long before 2024. We do not have time to waste. We have been debating about the management of the Murray-Darling Basin for decades, since Federation. We now have a plan in place, albeit with the weaknesses and the problems that it has. At the very least, we should stick by the time frame that all sides in this chamber had originally agreed on back in 2008.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:39): I just indicate
that the government does not support this amendment.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (12:39): For reasons that I have already pointed out in relation to the first of the Greens amendments, we will not be supporting it. I add to that that the predictions about drying out may or may not be correct, but I would never assert that they are fact. The last time I heard that was when Professor Tim Flannery told us the storages in South-East Queensland would never fill again, and since he said that we have had flood after flood after flood.

The CHAIRMAN: The question is that Greens amendments (7) and (10) to (16) on sheet 7314 be agreed to.

The committee divided. [12:44]

(The Chairman—Senator Parry)

Ayes....................... 8
Noes....................... 28
Majority................. 20

AYES
Hanson-Young, SC
Milne, C
Siewert, R (teller)
Whish-Wilson, PS

NOES
Back, CJ (teller)
Birmingham, SJ
Cash, MC
Crossin, P
Farrell, D
Gallacher, AM
Landy, KA
Marshall, GM
McKenzie, B
Moore, CM
Ruston, A
Smith, D
Thistlethwaite, M
Urquhart, AE

Question negatived.
Progress reported.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Furner) (12:46): Order! It being past 12.45 pm, I call on matters of public interest.

Australian Natural Disasters

Senator SINGH (Tasmania) (12:46): Summer is a time of excesses in this country. The extremes of the climate—the joy of families working and playing on the land and at the beach, the parched deserts and the rainforests, the welcome sunshine and the gentle rains that can turn to impossible heat and water—are not just figments of poetic licence; they are a fact of life in every corner of this country—rude evidence of which we have seen in the past months and which we continue to dread.

In the north-east and east, towns and cities have faced devastating deluges and floods that have washed away homes and habitats. In other parts of the country, west to east, we have seen perilous bushfires that have outrun our country fire authorities and engulfed houses. Among the places worst affected by the natural calamities of this summer was my home state of Tasmania. Fuelled by record-breaking hot weather, with the mercury reaching 41.8 degrees Celsius in Hobart on one day, with wind and precious little rain, the bushfire risk was extreme to say the least. When fires begin at Bicheno on the east coast, at Lake Repulse, Ellendale and in the Derwent Valley, in the north-west at Montumana, and worst at Dunalley and on the Tasman and Forestier peninsulas, the best efforts of some of the most dedicated people in our community—firefighters from around the state, around the country and New Zealand—struggled to limit the damage to property, to livestock and to lives. One man,
a firefighter from Victoria who had come to lend a hand, lost his life in a selfless and successful effort to prevent any other loss of life. I record my thanks and my condolences to his family.

Social media and spontaneous community organisation have been invaluable to the bushfire relief and recovery effort, and I acknowledge the contribution of the coordinator of the Tassie Fires—We Can Help Facebook page, Mel Irons. This page, launched when it first became clear that communities would need assistance, now has over 20,000 likes. Its wall was plastered with offers for assistance in all types of areas—offers to ferry water to firefighters and feed to farms, offers to share experience, knowledge and information and, of course, offers of a helping hand. Now that the flames have died down, the communities affected by the fire are faced with a new kind of problem. Barely into the first week of the busiest period of the year businesses as well as homes were affected by the fires. With roads closed and journeys into the peninsula too hazardous to risk for some, bookings were cleared from hotels and restaurants throughout the region. While the community is fully in the process of recovering, students will return to school at a temporary Dunalley primary school on 13 February, while teachers have already gone back and there is still considerable uncertainty around the region.

Many would-be visitors have heard that the peninsula was affected by bushfires and fear that the region remains in danger, it has been too ravaged to provide services let alone tourism experiences, or has been robbed of its natural beauty. None of these things are true. While in Australia one should always be alert to the dangers of fires, people have returned to their homes and their shacks. Business stands ready to welcome visitors with the hospitality that is trademark in Tasmania. The peninsula remains one of the most stunning parts of Australia and of the world where incredible regrowth in fire affected forests tells a story about the community.

That is why I want to support the local community campaign to urge people to visit the Tasman Peninsula in Tasmania at a time when local businesses need the most support. In partnership with tourism organisations around the state, the Mercury and the Sunday Tasmanian newspapers recently launched the 'Tassie calling' campaign to let the nation and the world know that the Tasman Peninsula is once again open for business. Started on social media networks like Twitter and Facebook, the campaign encourages people to get down to the peninsula and to share their experiences identified by the hash tag 'Tassie calling'. A search under that hash tag throws up a photographic record of dozens of trips, showing the colour of the cliffs, the beautiful water and utterly striking evidence even without the aid of an Instagram filter. The bushfire effort has turned from emergency coordination to spreading the positive message, and groups like Social Hobart are planning on Twitter trips to the peninsula.

There is a hugely positive message to tell about tourism and hospitality in Tasmania. In recent years Tasmanian tourism experiences have captured the imagination of opinion leaders from across the world. Tasmania's growing reputation is no surprise to those who are fortunate enough to call Tassie their home, and I am very fortunate to be one of those people. Hobart recently 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.

Tasmania's rise to international prominence is due in no small part to the
extraordinary appeal of the Museum of Old and New Art. In just 18 months, MONA has become an integral part of the Tasmanian visitor experience with the potential to attract even more visitors to Tasmania over the years to come. It has overtaken Port Arthur as the most visited site in the state and has brought in thousands upon thousands of tourists who, in making the trip to see the museum, have stayed for days or weeks and fallen for the island itself. The impact of MONA is much broader than just visitation to the museum, although that visitation has certainly been great. In fact, in its first year of opening visitation to MONA was over 400,000. But festivals and activities associated with MONA, most prominently MONA FOMA which was concluded at the end of January, have also brought a new crowd to the state. While visitor numbers are yet to be released, it is fair to say that Hobart and surrounds were as full of visitors as they ever have been. The visitors came to explore the Taste Festival, a food festival in Tasmania; the port at the end of the Sydney to Hobart; or the incredible music brought to Hobart by MOFO, as it is familiarly known.

I have to say MOFO attracted a number of hipsters of Melbourne—at least, they identified themselves through the streets of Hobart during that time. It just shows you what a hip city Hobart has become through the creation of the MOFO festival. In fact, more than 55 per cent of the prepaid tickets to that MOFO festival were purchased by those visiting from interstate. Thousands more tickets to a special fundraising event for the bushfires organised by the MONA/FOMA curator—ex-Violent Femmes bassist Brian Ritchie—were given away to volunteers and people affected by the bushfires. Buses were chartered from the Tasman Peninsula communities to the venues on Hobart’s waterfront for the largest of a whole series of bushfire relief fundraisers by organisations and individuals across the state. I was pleased, and I give thanks to those performers who not only performed as part of MOFO but also chose to stay on and contribute a free performance for that night to give their support, through their contribution at the MOFO festival, to the bushfire-affected areas and those communities that had suffered.

Of course, that particular bushfire fundraiser as part of MOFO was not the only fundraiser that was held during that time, and fundraisers continue to be held in Tasmania to support bushfire-affected communities. There are a number of fundraising efforts, which shows again the passion and the compassion of the Tasmanian community who want to come out, do their bit and support other community members in the state through fundraising for the bushfire-affected areas and communities. There are events organised by the Red Cross, of course, and the Red Cross is coordinating efforts that a lot of the fundraising has been directed to. A colleague and friend of mine who is a fantastic jazz pianist, Tom Vincent, and his quartet performed at the Bahá’í centre in Hobart and raised funds for the Red Cross for the bushfire-affected communities. There were also a number of volunteers giving up their time through the St Vincent de Paul Society, which coordinated all of the goods that have been donated by individuals, as well as pharmacies, other small businesses and the like, providing goods that, as you can imagine, are much needed for people who have just lost absolutely everything, including their home.

On top of that, I think the success of the MONA market, another part of MONA, which is held each Saturday during the summer as a showcase of local arts, crafts, foods and talents, has meant that there is scarcely a moment in which the grounds of Moorilla, where MONA is located, out in
Berriedale in Hobart's northern suburbs, have not been fully occupied. Many who attended MONA/FOMA would have been as familiar with some performances as they were amazed by new ones. The festival is as eclectic in its audience as in its artists. It must be remembered that, quite aside from the economic and tourism aspects of MONA, it has also been received with enthusiasm as a new and in some ways quite different space in which the Tasmanian community feels invested and from which they also feel the benefits. Perhaps even more substantially, there is the demonstration of the capacity of MONA to bring high-quality producers, craftspeople and consumers together in a showcase that is on display to the world in a sense that connects also with our original, existing museum, the Tasmanian Museum and Art Gallery, which at the moment has an exhibition called Theatre of the World, a combination of works exhibited by MONA and those exhibited by TMAG.

But I think the market at MONA, as well, is a taster of some of the incredible things that are on offer around our beautiful state—a promise of what can be found beyond the now well-worn path between the airport, the city and this world-class museum. MONA brings a world to Tasmania and has brought Tasmania to the world, and both of these aspects are vitally important for our state. What I hope is that visitors who come to MONA will spend time exploring the rest of Tasmania. I hope that they will take advantage of the new and emerging tourism experiences, many of which have been supported by the Gillard Labor government to transform potential into sustainable, high-quality attractions: things like the heritage buildings at Redlands Estate and whisky experience, to complement the burgeoning Tasmanian whisky industry; Mount Gnomon Farms rare breeds experience; and support for an orchard and cider experience at Spreyton on the north-west coast, which joins an industry already using famous Tasmanian apples at the other end of the state in the Huon Valley.

I hope they take the time to visit some of the most pristine and remarkable natural heritage in the world, a World Heritage space nominated for expansion by the Gillard Labor government. And, of course, I hope they hear Tassie calling and are tempted by the history and the beauty of the Tasman Peninsula, still proud, still standing and still open for business.

Member for Dobell

Senator FIERRAVANTI-WELLS (New South Wales) (13:00): Today I rise once again to make comments in relation to the member for Dobell. Given the proceedings currently on foot, I will not comment on the specifics of the 154 charges he is currently defending. Mr Thomson is entitled to his day in court. The resolution of these matters will provide long overdue closure to the low-paid members of the HSU.

What I find amazing about the arrest of Mr Thomson the other day is that it could have come as a surprise to anyone. For those of us who have been prosecuting issues pertinent to Mr Thomson for over two years, his arrest by the Victorian police hardly came as a bolt from the blue.

In Mark Kenny's article entitled 'Surprise arrest catches Labor off guard,' he writes:
The surprise arrest of the beleaguered former Labor MP Craig Thomson on Thursday sent shockwaves through a government which was just coming to terms with its brave new world of a hyper-extended election campaign.

Or this comment in the Daily Telegraph on 1 February:
Labor MPs reacted with horror upon hearing of the charges laid against Mr Thomson, who received more than $300,000 in legal assistance
from the NSW ALP as he fought the fraud allegations.

And this classic comment from a seasoned old timer who surely has seen it all before. Simon Crean on Radio National Breakfast with Fran Kelly on 4 February explains how 'after a mere five years, the completely unexpected happened'. As Cut & Paste writes: After a mere five years, the completely unexpected happened:

FRAN Kelly: What do you think? The timing of this? Is it clever or clumsy?
Simon Crean: I think it would have been clever had it not been for the intervention of the unexpected, the Craig Thomson arrest. I mean, think about it, Fran. What you do is you come into the New Year, the first major speech the Prime Minister makes at the Press Club is to announce the election date. A date which was not unexpected by anyone who follows this … the logic then of a reshuffle immediately after that … would have made perfectly logical sense if it hadn't been for the chaos that was created by the Craig Thomson thing. Now, no one knew that was coming, so if you look dispassionately and objectively at this I think you can see, I can certainly see, the logic in it and … it can be perfectly explained.

Surely Mr Thomson's former ALP colleagues must have had some sense of what could happen.

What rock, Mr Crean, have you been living under? Clearly he has missed the many reports since 2009 on this matter. Does he not read the Herald Sun in his state of Victoria? Clearly he missed the many stories last week which carried speculation of the laying of charges. Or perhaps Mr Crean belongs to the very small band—and diminishing band if the Rudd challenge rumours are true—who still believe the absolute drivel that Ms Gillard mouths about the member for Dobell. Like this one on 16 August 2011:
I have complete confidence in the member for Dobell. I think he is doing a fine job representing

the people of his constituency. I look forward to him continuing to do that job for a very long, long, long time to come.

The day after:
I have complete confidence in the member for Dobell.

On 18 August 2011:
I have full confidence in the member for Dobell.

Or 22 August 2011:
Yes, I do have full confidence in the member for Dobell.

Then on 19 March 2012:
I have expressed my full confidence in the member for Dobell and I continue to do so.

But on the day of the arrest all she could muster was: 'All I know is there are media reports.' As the editorial in the Daily Telegraph of 1 February states:

The Prime Minister, who claims to have had no advance knowledge of Thomson's arrest, and whose interest in proceedings is apparently limited to advice about media reports, now says that the Thomson case is "a matter for police".

Another line may have been crossed here—a line of credibility.
It is just like Ms Gillard's hypocrisy in her support of Peter Slipper. It was all very well to rant and rave with confected outrage about alleged misogyny when she was defending one of the vilest episodes of misogynistic conduct by the former Speaker—all at the same time as she was running a protection racket for the member for Dobell. Then along came Tim Mathieson with his own brand of humour. What happened to the Prime Minister's threat of calling it when she saw sexist and misogynistic conduct? There was deafening silence when Mr Mathieson made his comments at the Lodge. Where was the outrage from the quota girls? Where was the chorus of the feminist brigade? Not a peep out of them. Just imagine if Tony Abbott had made such comments. He would
have been politically hung, drawn and quartered. The whole episode demonstrates just what a sham that whole set campaign against the Leader of the Opposition has been. But then Ms Gillard has had a somewhat unfortunate track record. Bruce Wilson and the whole AWU slush fund scandal is a telling story of her flawed judgement. We await with interest the next episodes of this ongoing saga.

So let me return to the matter at hand and focus now on the financial circumstances of the member for Dobell. On 22 August 2011 I first raised the payment of Mr Thomson's legal fees and that former senator Mark Arbib had brokered the deal. Interestingly, Mr Thomson was eventually forced to update his register of interests on 9 May 2012 to disclose that the New South Wales branch of the ALP had assisted him with his legal expenses up to 29 April of that year. But he never disclosed the actual amount. I referred to reports like that of the Herald Sun of 1 February this year entitled 'PM's poll gamble rocked by scandal: Thomson's bill may lead to bankruptcy'. It said:

CRAIG Thomson could go bankrupt as a result of legal bills to defend himself against criminal charges, as well as potential fines and repayments from ongoing civil actions, threatening his position in Parliament.

The article referred to 'the embattled MP ... facing a bill of more than $1 million for his civil and criminal legal fights' with Fair Work Australia, given the Fair Work Australia civil claim in the Federal Court that could cost him a quarter of a million dollars in fines. The article further detailed that the Health Services Union national president, Chris Brown, was preparing to file a civil case to recover more than $200,000 allegedly misappropriated by Mr Thomson. Then, of course, the Herald Sun also reported on 1 February:

… in a further setback for Mr Thomson, NSW police confirmed that he remained a "person of interest" in relation to Strikeforce Carnarvon. That investigation has already led to multiple charges being laid against former Labor powerbroker and union boss Michael Williamson. As the Sydney Morning Herald correctly states on 1 February, it remains unclear how Mr Thomson will meet his new costs after the Labor Party said it would no longer foot the bill.

Mr Thomson's register of interests filed on 20 October 2010 discloses that his residence at Bateau Bay is owned by his spouse, Ms Arnold. The register also shows that he and his wife have a mortgage with SGE Credit Union and that he has savings and superannuation accounts.

According to an ABC report of 11 May last year, there was a raid by the Victorian police at the offices of the SGE Credit Union in Sydney as part of the ongoing HSU investigations. It said that the SGE Credit Union assisted many health sector union members with financial needs and that Mr Williamson had been a board member until April. I remind the Senate of an article by Samantha Maiden of 20 May 2012 entitled 'Craig Thomson says he did not help his wife Zoe Arnold dodge stamp duty when buying the home he lives in.' The article states:

Craig Thomson claims he was not the de facto partner of wife Zoe Arnold in February 2009 when she bought the family's current home and claimed a government stamp duty exemption—even though Ms Arnold was pregnant with his child.

Ms Arnold avoided $15,000 in stamp duty through a first home owner's scheme on the Bateau Bay, NSW home.

The scheme forbids a home owner to claim the stamp duty exemption if they have a spouse or de facto who has previously owned property. The First Home Plus scheme provided stamp duty exemptions for homes under $500,000 in NSW.
He maintains the de facto relationship began after Ms Arnold bought the property. Transfer documents were signed by Ms Arnold on February 20, 2009. Five days later, Mr Thomson changed his electoral enrolment to the Bateau Bay address.

I also note that Ms Arnold submitted a development application on 27 July 2011 to the local council for alterations and additions to and decks for the Bateau Bay property, with an estimated value of $101,000. An update of Mr Thomson's register of interests file on 28 September 2012 discloses that he had taken out a mortgage with Bankwest.

On its face, it hardly demonstrates a couple flush with funds. Accordingly, it raises two pertinent questions: is Mr Thomson now paying his own legal fees? Or are they still being paid by the ALP, perhaps from some secret slush fund? As we know, slush funds appear to be flourishing in ALP circles. We all know about Ms Gillard's former boyfriend, Bruce Wilson, his former associate, Mr Blewitt, and the AWU slush fund. We know about the CFMEU and ETU. These are the ones we know about; I am sure this is only the tip of a very rotten iceberg.

As an aside, it is clear Mr Thomson is taking more of an active role in his own defence after fronting the Wyong court to represent himself in seeking bail. Perhaps it is simply a cost-saving exercise. Given the high stakes involved here, with a desperate Prime Minister clinging onto power by a thread, it is not surprising that Ms Gillard made her announcement of the election date of 14 September. The Daily Telegraph article of 1 February reports: 'Early call avoids one-seat poll loss' says it all:

By calling the date for the election almost eight months out, the government has reserved itself a trump card that could prevent a by-election bloodbath in the event that an MP quits before the general poll.

Should Craig Thomson become bankrupt, Peter Slipper choose to retire to save his pension, or a retiring MP quit before the election, there is no constitutional obligation to hold a by-election. It would be up to the discretion of Speaker Anna Burke to determine whether a by-election would be held in the months leading up to a general election.

The article tells us what the ALP Speaker would do.

One Labor MP said yesterday the discretion of the Speaker could be used to save the party from a humiliation on the scale of the Bass by-election of 1975 when the Whitlam government suffered a 16 per cent swing.

A spokesman for Ms Burke is quoted:

The Speaker would give consideration to the circumstances at the time.

I bet she would! And then this clanger: A spokesman for Ms Gillard said she had not considered potential by-elections when she decided to announce a 14 September election.

Does the Prime Minister honestly think that, given her track record, anyone really believes her?

On recent visits to Dobell and in discussions with locals it has become clear to me that despite Mr Thomson well and truly being AWOL from his electoral duties, the ALP was leaving preselection for Dobell open. Why? To string Mr Thomson along and play into the Gillard line of confidence in the working he was doing as the member for Dobell.

As the Sydney Morning Herald article of 5 February reports:

In his first media interview since last Thursday's dramatic move by NSW police to arrest him, Mr Thomson told Fairfax Media he believed the ALP has delayed preselection in his NSW seat in part to allow him time to mount a legal defence, with a view that he may yet represent the party in this year's federal election.

His chat to party officials referred to in the article was fascinating if he still thinks he...
can run for the ALP. Interestingly, the article also said, 'Labor has ruled out any short-term comeback by Craig Thomson …' but Labor is yet to preselect for Dobell as acknowledged by national secretary George Wright, despite the article quoting him as saying, '… we will be selecting a new Labor candidate.' Clearly, this was not made clear to Mr Thomson in his chat with party officials. As I have previously said, is this part of the plan to keep Mr Thomson on side or does Mr Thomson seriously think he can ride out the storm and stand for preselection for the ALP in the long term? Given his history to date, Mr Wright should rule out ever preselecting Mr Thomson, not just in the short term. Clearly Mr Thomson harbours dreams of a comeback. Could the ALP be afraid that if he is not kept in the tent he will talk and if he talks it may be even more damaging and embarrassing to the ALP and to former colleagues? I believe that, given the history of deception surrounding the payment of Mr Thomson's legal bills in the past, every division of the Australian Labor Party, every ALP associated entity and, in particular, every ALP affiliated trade union should rule out paying for the legal bills Mr Thomson is now accruing.

**Great Barrier Reef**

**Senator WATERS** (Queensland) (13:15): Today I rise to speak about the future of one of Australia's most treasured icons, the Great Barrier Reef. I raise this because of the warnings by the global World Heritage body that the Great Barrier Reef may soon be put on the List of World Heritage in Danger because of the rash of dredging, dumping and shipping for new and expanded coal and gas ports—and, sadly, because of the government's inaction on these issues.

The Great Barrier Reef is the largest coral ecosystem in the world, and in fact it is the largest living organism that can be seen from space. It is an internationally renowned biodiversity icon and it is the seventh natural wonder of the world. Like many Australians and international visitors I have been lucky to spend some time on the reef and I have been truly touched by it. It is a biodiversity wonderland. It was inscribed on the World Heritage List in 1981 because it met all four criteria for outstanding universal value on the grounds of its natural heritage.

Of course, it is hugely valuable economically. It brings in $6 billion each year, mostly from tourism but also from fishing, and it employs 54,000 people. That revenue mostly stays in those local coastal communities, supporting local families and local small businesses. Contrast that with the revenue from the mining industry, which is predominantly foreign owned. Recent reports have shown that in fact 83 per cent of mining profits nationally flow offshore. The reef employs twice as many people as coalmining does nationally.

There is no doubt that the reef is hugely valuable to us as Australians, and especially as Queenslanders like myself, because of its natural values as well as its cultural and economic importance. Despite this huge value, the reef's survival is at risk. The Australian Institute for Marine Sciences report released last year showed, worryingly, that the reef had already lost half its coral cover in the last 27 years and it warned that the reef would lose another half of its coral cover in the next decade.

Clearly, the reef is under threat from climate change—both temperature warming and acidification. It is also under threat from catchment run-off, crown-of-thorns starfish invasion, coastal development and, now, a new rash of ports and shipping for fossil fuel exports.

The global body charged with overseeing areas of outstanding universal value, such as
the reef, expressed 'extreme concern' about this frenzy of dredging, dumping and shipping for new coal and gas ports, and came out here last Easter for an 11-day mission. UNESCO warned that unless its recommendations were acted on it would put the reef on the List of World Heritage in Danger. Australia would be the only developed nation with such an embarrassing mark against its name. We would join war-torn nations like Afghanistan, Yemen and the Congo as countries with a World Heritage site in danger. Surely we can do better than that. And yet the government has thumbed its nose at this risk and responded last Friday with a pathetically weak state party report that simply commits to business as usual bar an overdue panel to finally look into the Gladstone Harbour environmental disaster.

The federal Minister for Sustainability, Environment, Water, Population and Communities, Tony Burke, simply says that it is fine and he will keep applying the law to all of these new coal and gas port applications. But it is those same weak laws which have already failed the reef and put us in the situation that we are in. If these laws were enough to protect the reef, then, surely the 68 million cubic metres of dredging—that is, 40 Melbourne Cricket Ground's worth—would not have already occurred or been approved and there would not be another 58 million cubic metres, or 34 Melbourne Cricket Ground's worth, on the books for these six new or expanded coal and gas ports up and down the coast, about which UNESCO has said they are 'extremely concerned'. Alarming, those figures do not even include the Abbott Point expansion currently being re-tendered for.

If all these new and expanded gas and coal ports are approved it will almost double fossil fuel shipping through the reef. It would take us from about 3,900 ship movements a year to more than 6,000. That is one coal or gas ship every hour and a half through our reef. That is just the dredging and the shipping. On top of treating the reef like a coal and gas highway and allowing the destruction of seagrass beds and sea bottom, instead of requiring onshore dumping of that dredging, as is GBRMPA's policy, the government has allowed our reef to be treated like a rubbish tip. It has allowed offshore dumping of that dredge spoil to the tune of 55 million cubic metres approved or applied for since 2000—a massive 32 Melbourne Cricket Ground's worth—despite GBRMPA policy saying that offshore dumping should be a last resort. The law has already demonstrated that it is not strong enough to stop fossil fuel developments in reef catchments because the government is beholden to the mining industry and short-term thinking. The Greens will not stand by and let the government permit the coal and gas industries to destroy our Great Barrier Reef.

As if the current onslaught of fossil fuel developments was not enough for the reef and reef communities to contend with, it is worth noting that uranium mining and export is back on the table too. With the ALP federal government looking to export uranium to India, and with the LNP's Campbell Newman lifting the ban on uranium mining in Queensland, I wonder how long it will be until radioactive material is shipped through the reef. Sadly, the Australian government energy white paper of November 2012 foreshadows precisely that. This is a new risk to the reef that was not even on the cards when the World Heritage Committee undertook its reactive monitoring mission in Easter last year. Of course, the government did not mention it in its report card back to the World Heritage Committee last Friday. I will bring this to the attention of UNESCO, as I am sure many Queensland communities will. I want to move now to the
recommendations that UNESCO clearly made. They could not have been stronger, and in fact we should sit up and pay attention simply based on the strength of their recommendations. They said, 'No new ports.' They even said no new port expansions if they will impact on the overall universal value of the reef. They said, 'Don't issue any approvals at all until you finish doing the strategic assessment that won't finish until 2015.' They said, 'Put some additional money into reef water quality and management.' They said, 'Do a comprehensive assessment of what the reef can actually handle.'

UNESCO gave the Australian government until last Friday to respond to those recommendations. Sadly, the Australian government did hand in its homework but, frankly, deserves a fail mark. The Australian and Queensland governments have both continued to treat the reef like a highway for coal and gas and like a rubbish tip for dredge spoil. The government has not pushed pause on either new or expanded coal and gas ports. They have not declared pristine Port Alma and its indigenous dolphins off limits. They have approved the Abbot Point coal terminal expansion, and the belated panel to investigate the Gladstone Harbour environmental disaster is not required to use independent data. What is more, the flimsy strategic assessment that the government has begun will not actually be able to stop any of those coal ports that UNESCO had their concern about. Moreover, it will end up putting Campbell Newman, who says, 'We're in the coal business,' solely in charge of new developments in the reef.

To add insult to injury, the Queensland government since just last week has begun treating the reef like a toilet bowl and letting the big miners dump their contaminated waste water into waterways that flow to the reef instead of simply requiring them to spend a bit of extra dough to properly treat that water. This is further risking the World Heritage listing for our most precious tourism icon. The Newman government's decision to allow this much mining discharge simply demonstrates that they care far more about short-term mining profits than the long-term health of Queensland communities or Queensland's environment. But I want to return to the UNESCO recommendations and the federal government's failure to comply with them.

On the point of pressing pause on new port developments and new dredging and dumping approvals, Minister Burke last year approved the largest coalmine in the Southern Hemisphere for Gina Rinehart. That is Alpha coalmine. Then he approved the associated coal port expansion to allow export of that coal from Abbot Point. Minister Burke has said, 'That's fine; UNESCO just said don't allow any new ports.' Abbot Point was fine. But of course he is overlooking the second part of the recommendation, which clearly said: 'If you expand an existing port and it's going to have an impact on the overall universal values of the reef, just don't do it. Refuse it. Don't give it approval.' Unfortunately, the very fact that Abbot Point needed federal approval, which is only required when there is likely to be a significant impact on the reef, itself proves that it would have the very impact that UNESCO said was unacceptable. UNESCO were really clear that no approvals should be issued at all until the conclusion of the strategic assessment—a moratorium on coal and gas port approvals, if you like.

Minister Burke claims that he is legally not able to press pause on those current applications. I disagree. I have been an environmental lawyer for 10 years. I have had a close look at the provisions of the act and I think that, if he had the will, he could press pause on those applications. But, if his legal advice is correct, the Greens have said...
countless times and have moved motions in this place saying we will help clarify the law so that it is beyond doubt that you can act. Sadly, all of the old parties voted against that change.

UNESCO has explicitly stated that they do not think Port Alma, Balaclava Island or the north of Curtis Island are part of an established major port area. They want those areas off limits. As I mentioned, that spot is critical habitat for our indigenous snubfin dolphin, and yet the Queensland and federal governments have ignored that. The feds have refused to rule out development in the Fitzroy Delta, and the Queensland government have said it is part of Gladstone Harbour, which is 90 kilometres away. On Gladstone Harbour, we were pleased that the government announced a public review into environmental management practices in the harbour, to be chaired by Ms Anthea Tinney. That is welcome news, but it is long overdue. There have been major water quality problems in Gladstone since dredging began, of course compounded by the floods of 2011 and again just a few weeks ago. We have seen wildlife disease and the fishing industry brought to its knees, and yet this issue remains unresolved. It is long past time that the federal government investigated what is going on in Gladstone Harbour. But I was really disappointed that Minister Burke did not say that he would properly resource this body and did not say whether he would allow them to conduct their own investigations based on their own data or whether they were simply going to rely on the data collected by the dredgers themselves at Gladstone Ports Corporation. If you are claiming independent science, you need independent data.

Likewise, we welcome the additional funding for water quality programs in the reef. While the Australian government has committed to extending Reef Rescue, which has been a really successful program working with farmers to help them buy new equipment to help constrain fertiliser and herbicide run-off, the government has not yet put a dollar figure on it. They have said, 'Yes, we'll extend it,' but they have not actually shunted up the figures. That needs to be announced immediately. That program is due to run out, and we need the security of knowing that that money will be forthcoming.

Likewise on funding, the additional money for crown-of-thorns management is very welcome but does not really address UNESCO's recommendations. Frankly, we know crown-of-thorns thrives on poor water quality and high temperatures, so it is all the more reason to stop this dredging, dumping and shipping frenzy which is making the water so muddy and, of course, worsening climate change with all of its coal exports.

The minister talked about the comprehensive strategic assessment that the government is doing hand in hand with the Queensland government, and yet that same assessment certainly does not deserve the title of 'comprehensive'. It will not actually be able to affect whether or not any of those coal ports that UNESCO were concerned about will get approval. So I am afraid it is looking at everything but the core issue. Under the federal environmental laws as they stand, that so-called 'comprehensive strategic assessment' will end up putting Campbell Newman in charge of approving development in the reef, which just beggars belief. The strategic assessment is also reviewing Queensland laws and whether they are up to the job of protecting the reef, but it is a movable feast because Premier Newman keeps repealing all of those laws. I do know what laws the strategic assessment folk and the poor bureaucrats who have to do it are going to be looking at. Premier Newman has just repealed the coastal state planning policy...
in Queensland, and we have a temporary measure in place which is weak in itself and do not know what will replace it. Campbell Newman, I am afraid, cannot and should not be trusted with the future of our reef. We do not need a weak strategic assessment to tell us that the state and federal laws are not up to the job of protecting the reef, otherwise we would not be in this situation. We need a strong and comprehensive strategic assessment which actually says, 'Here are the no-go zones,' and which keeps the federal government involved. I am afraid there can be no other conclusion than that the government is simply putting the interests of industry squarely ahead of the concerns of UNESCO and the community and ahead of a healthy reef. Unfortunately, we cannot expect any better from the opposition: they, too, are wedded to the mining industry. Whilst they have made some small announcements they have not said anything about industrialisation of the Queensland coast. And, of course, we know that they will seek to repeal the carbon price, the greatest threat to the reef being climate change.

I cannot see that there will be any other outcome than a World Heritage in Danger listing at the Cambodia meeting in June. We can expect the Australian government to try and apply as much political pressure as it can to avert that, but it simply will not stump up and make the change we need to protect the reef. This will be an election issue, and we have a government and an opposition that simply will not prioritise the environment over the fossil fuel industry, making the choice at the election absolutely stark. *(Time expired)*

**Ovarian Cancer**

*Senator POLLEY* (Tasmania—Deputy Government Whip in the Senate) *(13:30)*: I rise today to make a contribution on a matter of public interest. Each year in Australia, February is Ovarian Cancer Awareness Month. This is to raise awareness of ovarian cancer and to recognise women, their families and friends who are affected by ovarian cancer. It is not uncommon when a patient hears the word 'cancer' for it to bring with it many fears and feelings such as grief, depression, denial, anger, fear, stress, anxiety and loneliness. Too many of us in this chamber have either directly or indirectly through our families and friends experienced these feelings.

People dealing with this diagnosis may experience some or all of these feelings and will handle these emotions in very different ways. With the first emotion most often being shock, no-one is ever ready to hear that they have cancer. I believe it is very normal for people with cancer to ask why it has happened to them or to think life has treated them unfairly. Some people have a hard time accepting the diagnosis, especially if they do not feel or look ill.

Ovarian cancer is difficult to diagnose because the symptoms are ones that many women have from time to time, like abdominal or pelvic pain, increased abdominal size or bloating, needing to urinate more frequently and feeling full after eating only a small amount. Persistent symptoms like this that occur over a two-week period could be signs of ovarian cancer. I can guarantee that most of us women would have had these symptoms at some time in our lives, some of us only too often. But would you think to go to the doctor to be tested for ovarian cancer? Probably not.

Alarming, in Australia one woman dies every 10 hours from ovarian cancer, making it the sixth most common cause of cancer death in women. One in 79 Australian women will develop ovarian cancer by the age of 85, with the average age of diagnosis
being 64. Therefore, this month we should take the opportunity to become more aware of and read up on ovarian cancer, and to be more aware of our bodies. And if you have any inkling of a concern, I strongly urge you to go and see your local doctor and to ask some important questions to ensure that you have peace of mind. There are some wonderful informative sites which provide much more detail on ovarian cancer and the symptoms to be aware of. However, I would encourage all women to make an appointment with their general practitioner to discuss any concerns that they may have. I cannot emphasise that enough, because early detection is critical.

Another frightening statistic worth knowing is that the outcomes for women diagnosed with ovarian cancer are generally very poor, as 70 per cent of women are diagnosed when their cancer is at an advanced state. I have spoken on this topic many times before in this chamber, particularly in the month of February, and I wanted to talk again because I want the conversations to be had within the community. This just may help save one life by raising awareness of it with women to ensure that they have the best opportunity to survive this type of cancer by having early detection. I also wanted this year to talk more about ovarian cancer and how it affects the women that live in my home state of Tasmania.

In 2009 a total of 34 women were newly diagnosed with ovarian cancer in Tasmania, compared to the 10-year average of 30 new cases per year for the period 2000-09. On average, women were aged 61 at time of diagnosis during 2009. And during the period 2000-09, on average, 21 Tasmanian women died per year where the primary cause of death was attributable to ovarian cancer. These are scary and realistic figures. At their time of death during 2009, the average age of these women was 69.5 years. Data shows that for all women newly diagnosed with ovarian cancer from 1999 to 2008, one in three women or 33.3 per cent, lived five years or longer following diagnosis. This compares with 27.4 per cent for the 10-year period from 1979 to 1988.

A Tasmanian ovarian cancer survivor has urged women to be persistent if their concerns are not being heard, because this type of cancer is known as the 'silent killer'. New research from Ovarian Cancer Australia, OCA, has shown that 40 per cent of women believe ovarian cancer to be just that—the silent killer. Recently it was reported that a Tasmanian sufferer said she was diagnosed four years ago. She had no idea about it until she went in for unrelated surgery and the scans revealed that she had stage 3 ovarian cancer. She said she did not have any symptoms and that she was devastated to receive the news—a very natural reaction, I would have thought.

Ovarian Cancer Australia's statistics show that more than 1,200 Australian women will be diagnosed with ovarian cancer this year and about 800 will die from the disease. Tasmanian Ovarian Cancer Australia ambassadors Patricia Bailey and Jane Stephens—Crown Princess Mary's sisters—have said that many women do not take note of the possible symptoms of the cancer, which decreases their chances of finding it early. I want to tell you the story of Kristen. She is a young women from Kingston in my home state of Tasmania who was diagnosed with ovarian cancer at the age of 48. Kristen tells the story of getting a pain in her shoulder in early 2009. She was referred to a physiotherapist for work on her shoulder, which she undertook for three months. In May of 2009 her stomach started to bloat. She would have half a cup of tea and feel full. She could not eat anything as she constantly felt bloated and full and
uncomfortable. This went on for two weeks. She made an appointment with her doctor who sent her to have an ultrasound. The ultrasound was conducted on a Friday and the next day, being Saturday, her doctor rang and urgently referred her to a gynaecologist. The gynaecologist appointment was on the Monday. That was the day she was told she had ovarian cancer.

Within eight days, Kristen was in surgery having a full hysterectomy. Four years on she is still having chemotherapy. The doctors have told her that the symptoms of ovarian cancer can be quite different and, by the time most patients are diagnosed, they are usually at stage 3 or above. Kristen was told her shoulder pain was an indicator of the ovarian cancer. As a result of her diagnosis, Kristen's daughter now has a regular 12-monthly ultrasound. Even though they may not be able to detect ovarian cancer via ultrasound she feels this is something they need to do. It gives them peace of mind. However, doctors do not know if ovarian cancer is hereditary or not.

Another Tasmanian ovarian cancer sufferer said that she was a fit and active 59-year-old who suddenly found that she could not do up her trousers. She felt she had a thickening of the waist and her clothes were starting to feel tight. She wondered if it was related to menopause. She also noticed a shortness of breath and generally a feeling of having no energy, which was quite different to her normal, active life. She felt that perhaps she needed a holiday, because this feeling of unwellness was not normal for her. But a trip to the doctor diagnosed her with advanced stage 4 ovarian cancer. Within four months she had a full hysterectomy and chemotherapy treatment.

The diagnosis affects not only the person who has been diagnosed but also their family and friends. If you are given a diagnosis of ovarian cancer, like with any other cancer, it is so important to surround yourself with a strong support system. There will be loads of information available to educate yourself about the disease and the treatment available, but you need the support of your family and friends.

We know very little about the causes of most ovarian cancers. Research into the causes of this cancer is continuing in Australia and overseas. We do know that there are some factors that may increase a woman's risk of developing ovarian cancer, and that there are some protective factors that may reduce a woman's risk. The good news is that there was a World Today report in January this year which reported that there may be a life-saving development—a new study which suggests that analysing DNA from pap smears could help detect ovarian cancers. As it stands right now, there are no approved screening tests for ovarian cancers. This initial study is suggesting that they can detect about 40 per cent of ovarian cancers even in the earliest stages of the disease. So this is certainly a promising development. Pap smears are performed every day on thousands of women around the world and this test would be no different a procedure for the patient. But, while there is still a lot of work to be done on these findings, and while it is quite a long way from being able to be used as a screening test, the Ovarian Cancer Research Foundation believes it to be worthy of further evaluation.

In summary, in 2006 ovarian cancer was the ninth most commonly diagnosed cancer among Australian women nationally, excluding non-reportable skin cancers, and the second most commonly diagnosed gynaecological cancer. Nationally, the total number of ovarian cancer cases increased significantly in the 25-year period from 1982 to 2006 due to an ageing and growing population. By contrast, the age standardised
incidence rate of ovarian cancer decreased during the same period from 12.4 to 10.7 new cases per 100,000 females. Death from ovarian cancer was the fifth most common cause of cancer related death for women in Tasmania in 2009, with 25 women dying from the disease. Lung and breast cancer, at 83 and 81 deaths respectively, were the two most common causes of death for women during this period. I note that the 2009 statistics are the most up to date that we have.

Fluctuations in annual numbers of new ovarian cancer cases and deaths for this uncommon cancer are to be expected given the relatively small size of the Tasmanian population, and statistics need to be interpreted cautiously. If you are battling against ovarian cancer, have your family there to support you. I ask all in this chamber and who are listening to this debate contribution today to have the conversation with your sisters, your wives, your partners, your nieces, your daughters and your neighbours. It is about being aware of the symptoms, and not being afraid to question your medical professionals if they are not listening to you. Early detection is important. I cannot stress enough that we have to detect this disease as early as possible.

Throughout the great month of February—which is a very special month for those celebrating our birthdays this month—Ovarian Cancer Australia will be hosting a range of activities and events to raise awareness and funds for supporting the awareness and research programs, and I encourage everyone to get involved and show their support. We must do all we can to ensure that we have the conversations. We must do everything we can to put an end to this silent killer.

I take the opportunity to thank those professionals—medical and otherwise—for their compassion and the support that they give to patients and their families. I also thank the two patients and survivors of ovarian cancer who were brave enough to speak to my office in helping to bring here today not just a statistical contribution but also the perspective that these are real women. These are our mothers, our sisters, our nieces, our friends who are battling cancer. It does not matter what form of cancer it is; it is a shock. It is a terrible blight on our health and I encourage you to have the conversations so we can do all we can to raise awareness.

The government whip's office has some pamphlets available. I encourage you to have the conversation, to visit the websites and to inform yourselves. For those who are battling, I wish you all the very best.

**National Security Strategy**

Senator **FAWCETT** (South Australia) (13:45): I rise today to speak about the launch of Australia's National Security Strategy, which the Prime Minister announced on 23 January. I welcome the release of the National Security Strategy. It is the first important step in aligning the expectations of government and our foreign policy with our investment in military capability so that we can make sure that the military means actually fit the government's intended outcomes for security. I actually agree with a couple of statements the Prime Minister made, that our national security is and always will be the most basic expression of our sovereignty and that national security is the most fundamental task of government.

With those things said, some people may question why there has been so much critique of the National Security Strategy by the Australian Policy Institute and various contributors to their articles, by the Lowy Institute and other commentators, people like Peter Jennings, Jim Molan, Andrew Davies,
Peter Leahy and others. If you read through a lot of the debate, it comes down to the fact that a lot of people believe it is quite hard to define what it is we need the Australian Defence Force to do. Some people look at future threats in the China Sea, other people look at expeditionary interventions such as Iraq and Afghanistan. There is either disagreement as to whether we should be doing it or disagreement as to whether it will eventuate and in what time frame.

I think a useful metric to apply to our approach to national security is to look at our recent history and ask what are the things the Australian Defence Force has been tasked to do by the government that the Australian people have supported and, I would argue, are most likely to support again. I think East Timor is a classic case. The Australian public wanted the government to intervene in East Timor. They wanted to protect the East Timorese people from the violence that was being visited upon them after the referendum there. The government assumed that the Australian Defence Force could quite easily go to East Timor and protect the people there against militia. Most of us would make the same assumption. How quickly we forget that in 1999 we only just succeeded in what was apparently a fairly low-risk task for the Australian Defence Force. In fact, recently Lieutenant General David Morrison, the Chief of the Army, described it as a strategic shock that we only just managed such a minor military operation. So East Timor does provide a useful benchmark for us to evaluate what we are spending on the Defence Force and how we view the strategic outlook into the future. It is a good benchmark, particularly for what we expect the military to be able to do at short notice. I believe most Australians would say, 'If we had to repeat such an intervention then we should be capable of doing it at short notice.' But there is a remarkable similarity in the thinking that underpins this National Security Strategy and the policies that led to the decline in defence capability and that subsequent strategic shock of 1999.

The first point of that is that the strategic thinking at the time was that Australia should be predominantly concerned with the defence of Australia's mainland from state actors. That led to a significant investment in the kind of technology and capability needed to defend the air-sea gap to the north, but also a rundown in our land force capability and the ability to project and sustain military force, whether that be in the region or further afield. Despite the theory that may say that we are going to look at operations against state forces, history tells us that our most recent operations have involved deployed forces with significant land force elements protecting communities from non-state actors: Somalia, East Timor, the Solomons, Afghanistan. As the current French operation in Mali demonstrates, this can be expected to be a feature of conflict well into this decade, not just the last decade that the Prime Minister announced during the launch of this policy was a thing of the past.

It is important also to remember that when finances are constrained, as they are at the moment, and budget priorities are on everyone's mind, the things that the taxpayer has to fund for defence are not just the capital equipment—the aeroplane, the tank and the ship. These capital assets are only effective in combat when there are enablers such as materiel support systems, supplies and maintenance facilities, individual and collective training—even the development of doctrine, policy, procedures, how you apply it. All those things come together to make up a military capability. But these enablers are largely invisible to the Australian public because they do not make for a good photo opportunity. They are also expensive, which makes them a really easy target when
governments want to save money. It is also possible because you have a ship alongside and a tank in the field and the aircraft on the airfield to make it look as though you have a credible defence force. But if you have cut all those backroom functions then you actually denude the nation of its ability to employ the capital assets that it has, and that is one of the fundamental lessons of East Timor that we must not forget and that this National Security Strategy is in danger of overlooking.

There is also an underlying assumption in the National Security Strategy that defeating credible threats will involve coalition partners and joint operations and that this will make additional resources available to the Australian Defence Force. I am a firm believer in alliances and regional cooperation. They are imperative, but they should complement, not replace, adequate levels of sovereign force readiness. This is because the interests of our allies and partners will inevitably take priority when the balloon goes up. We saw this during the Iraq conflict, where shipments of ammunition and spare parts that we had ordered were held up by the country providing them and were distributed instead to their own forces, which meant that we could not deploy certain elements of the capability that had been requested by coalition partners. Even in East Timor, despite the fact that it was supported by the UN, and eventually 22 nations supported Australia in that intervention, our initial deployment that set the groundwork had to be done relying on our existing capability that was on the shelf. As General Morrison highlighted earlier this year, those capabilities only barely proved adequate.

There is much to commend in the National Security Strategy. It outlines a more integrated approach to understanding what capabilities we need to have a strong, credible defence force. The vision without dollars, however, is just hallucination. When the National Security Strategy talks about money, it talks about the significant percentage increase in defence budgets after East Timor as if somehow this justifies the reduction in budgets today. There is no recognition though of the fact that this was off an extremely low funding base and that significant cost growth pressures have been identified by the government's own review commissioned by Mr Pappas in 2008.

Using the indexation figures that Mr Pappas derived, the successive budget cuts since 2009 mean that there is a shortfall of some $25 billion over the forward estimates just to maintain the existing force. We are not talking about purchasing new capability. We are not talking about massively expanding capability. We are talking about maintaining and sustaining the existing force. We see this currently. There are articles you can read in the paper. If you follow estimates in the Senate, you can see that this is manifesting itself in delayed maintenance, reduced training and reduced availability, all of which sounds depressingly like the lead-up to the situation prior to East Timor.

There is a fiction that has been perpetuated by the minister that all is well because these budget cuts are not affecting current operations: for example, in Afghanistan. But this relies on the Australian public not understanding the basis of what is called 'operational supplementation'. Put simply, it means that the Australian Defence Force is given a certain amount of money to raise, train and sustain its force, but when they are required to deploy and to actually conduct an operations overseas, once that expense passes a given threshold the government will supplement the money so that they can pay for that operation. Much capability that is acquired and sustained in
theatre is drawn from operational supplementation. When that conflict finishes and those forces are brought back to Australia, many of the pieces of equipment that have been purchased that are seen as leading edge are not guaranteed to come back here because that operational supplementation is paying for it, not the standing appropriation.

To say that the current operation is not affected by budget cuts is to misrepresent the case for Australia in 12 months or 18 months or five years. The important lesson that we need to learn, drawing on experience in East Timor, is that we do not necessarily have a long time to re-equip and rebuild the force. There is not necessarily time to prepare for a conflict against a non-state actor. As the recent experience of the French in Mali shows, the requirement to deploy can occur at very short notice without the ability to draw on other nations to provide the resource required. The French went with what they had. We went with what we had in East Timor. That is an important thing to keep in mind.

Lastly, it is important to remember that simply increasing the defence budget is not the only answer. The other lesson from East Timor is that the large budget increases that occurred have perversely led to many of the inefficiencies in the Defence procurement cycle that were highlighted in the recent Senate report into Defence procurement. It is particularly disappointing that, given that there was a strong bipartisan report issued by the Senate Foreign Affairs, Defence and Trade Committee, the government has essentially refused to consider many of the significant structural changes and reforms that were recommended by this bipartisan committee.

There is a desperate need to increase the productivity of capital that the taxpayer invests into the Department of Defence if we are to have a credible and sustainable Defence Force into the future, particularly in an environment where finances are becoming increasingly hard to come by. If the government is not prepared to make some of those whole-of-department changes, we run the risk of seeking more and more money that is not wisely spent. Naturally enough, the Australian public will ask, 'Is that a good use of money?' We need to have a credible Defence Force. There is good bipartisan information available to the government highlighting some of the reforms that should be made. I encourage people listening to this debate to have a look at that Senate report and the government's response and go and speak to your local member about the fact that further action needs to be taken to lift the capital productivity of your money.

Above all, the East Timor experience should be a reminder to us and to governments and to members in this place that the young men and women of tomorrow will be deployed sometimes at very short notice to undertake operations in the name of Australia for our national security and its interests. Despite all the theory and the various people who debate the issues, history shows us that the men and women of tomorrow will be deployed with what governments of today are prepared to pay for. If we think that the deployment and intervention in East Timor was justified and a good thing and a good use of the Australian Defence Force capability, then it is incumbent upon members and senators in this parliament to hold the executive to account to make sure that there is adequate money and that money is spent wisely and effectively so that the Australian Defence Force has the people and the training, equipment and support systems it requires to have a balanced force which is capable of deploying and being sustained in our region.
My fear—which is backed up by the discussions that are currently occurring by informed well-qualified commentators—is that this National Security Strategy does not provide the groundwork nor the framework to give the Australian people the assurance that the capability will in fact be funded or delivered.

QUESTIONS WITHOUT NOTICE

Obeid, Mr Eddie

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:00): My question is to the Leader of the Government in the Senate. How does the minister reconcile his declaration on ministerial letterhead that he had received benefits from Mr Eddie Obeid in a 'personal capacity' with his statement today that he has 'never had so much as a cup of coffee' with Mr Obeid?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:00): Has anyone ever heard of Australian Water Holdings? Put your hand up. As I have repeatedly said, I am such a close friend of Mr Eddie Obeid that he could not even remember my name yesterday. He actually could not remember my name.

Opposition senators interjecting—

Senator CONROY: I am so close to Mr Obeid that he actually got my name wrong. He named somebody else. He might know another senator's name but let us be very clear—

Honourable senators interjecting—

The PRESIDENT: Order! Wait a minute, Senator Brandis. You will get the call; you are entitled to be heard in silence, that is why I am not giving you the call yet.

Senator Brandis: Mr President, on a point of order, I know that Senator Conroy seeks to make light of this matter but it is a serious question. It goes to the integrity of his declarations and his public statements. I ask you on this particular occasion, given its sensitivity, to be very strict in your enforcement of the direct relevance requirement.

Senator Jacinta Collins: Mr President, on the point of order: Senator Conroy is being quite serious in his response. He has been asked to explain the consistency between two matters and he is addressing precisely that point.

The PRESIDENT: There is no point of order. Senator Conroy, you have one minute and 17 seconds to continue.

Senator CONROY: Thank you, Mr President. I am so implicated! It did not take long after those opposite announced, 'We're going to be positive. We're going to go on policies'—it was less than a week—for them to start the smear jobs again.

Senator Heffernan: I want to see if your brain—

Senator CONROY: Your brain has never been turned on, Senator Heffernan, so you might have to wait a bit.

Opposition senators interjecting—

Senator CONROY: Obviously, you failed to hear the interjection. I apologise, Mr President.

The PRESIDENT: You withdraw.

Senator CONROY: I apologise, Mr President. Those opposite have spent less than a week on their positive campaign and they want to do any smear. It does not matter how tenuous; it does not matter how thin; it does not matter how outrageous or unseemly. They are prepared to get down in the gutter at every stage.

Senator Brandis: Mr President, I have a point of order on direct relevance. Since you overruled the last point of order, the minister
has done nothing but attack the opposition. Nothing but attack the opposition. Nothing he said is directly or indirectly relevant to the question. He was merely asked, not in a belligerent way, to reconcile two apparently inconsistent statements. He has not addressed that issue, I would submit with respect, at all. But he certainly has not addressed it since you overruled the last point of order.

**The PRESIDENT:** Order! I draw the minister's attention to the question.

**Senator CONROY:** As I said, they are down in the gutter immediately. I reject the premise of the question.

**Senator ABETZ** (Tasmania—Leader of the Opposition in the Senate) (14:04): Mr President, I ask a supplementary question. The only premises to the question were the words spoken and written by the minister. However, let us try this: when did the minister first become aware that the Perisher apartment in which he stayed for free was owned by Mr Obeid?

**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): If the opposition were paying attention to the interview I gave this morning on the radio on this matter, they would know I put on the public record that I learned over the course of the weekend that that was the case.

**Senator Abetz:** Was it this weekend or—

**Senator CONROY:** No, no. The weekend at the time, as I said on radio. As I said, Mr Burke invited me to join him and I discovered, over the weekend I think it was, that that was the case.

**Opposition senators interjecting—**

**Senator CONROY:** It was eight years ago.

**Senator CONROY:** But I was quite happy—don't you start. Julie Bishop took from Mr Kerry Stokes a week in China during the Olympics, entirely—do not start on freebies. I have your full list if you want to start on freebies.

**Senator ABETZ** (Tasmania—Leader of the Opposition in the Senate) (14:05): Mr President, I ask a further supplementary question. Can the minister provide an explanation, other than his haste and sloppiness, as to why his undated disclosure of benefits received from Mr Obeid was addressed and sent to the House of Representatives Registrar of Members' Interests rather than the Registrar of Senators' Interests? Will he now make a full and proper disclosure to the Senate?

**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) (14:06): That is right. The paperwork has been corrected and the correct office has been notified.

**Senator Abetz:** When?

**Senator CONROY:** This morning, I think, when people in my office were—

**Senator Abetz interjecting—**

**Senator CONROY:** Before question time.

**Opposition senators interjecting—**

**Senator CONROY:** I have signed the form. I was in Bungendore launching NBN Co.'s new wireless and satellite service. I attended to it as soon as I got an opportunity to.

**Indigenous Affairs**

**Senator CROSSIN** (Northern Territory) (14:06): My question is to Senator Carr,
who is the Minister representing the Minister for Families, Community Services and Indigenous Affairs. Five years ago, former Prime Minister Kevin Rudd apologised to the Indigenous people of Australia and committed this nation to a future where all Australians are equal partners with equal opportunities and an equal stake in this great country. So I ask Minister Carr: what progress then has the government made on this most critical national goal?

Senator KIM CARR (Victoria—Minister for Human Services) (14:07): I thank Senator Crossin for her question and for her ongoing commitment to this very, very important area of policy. A genuinely democratic society recognises the rights of all its citizens.

Honourable senators interjecting—

The PRESIDENT: Order! Question time will be assisted greatly without interjections. They are disorderly.

Senator KIM CARR: A genuinely democratic society recognises the rights of all of its citizens to participate fully, and in 2008 the Labor government said that we could no longer tolerate the indignity, the inequity and the injustice that our Indigenous citizens suffer. Australians recognised their rights as citizens in 1967; Australia recognised their rights as traditional owners in 1992. How, then, could we fail to recognise their rights as members of our society?

Honourable senators interjecting—

The PRESIDENT: Senator Kim Carr, just resume your seat. The time for debating this issue is after question time on both sides. Senator Kim Carr is entitled to be heard in silence. Just resume your seat, Senator Kim Carr. When the chamber is ready to proceed, we will proceed.

Senator KIM CARR: What we have indicated is that we would mark this journey with clear objectives. We said that we would commit to this path for more than 20 years. We said that we would, of course, make this the great work of this current generation. And so historic funding has been committed to ensure that we do close the gap in this country; historic funding has been committed to ensure that life expectancy can increase and so that we can see increased improvements in housing and in health services and in early childhood development and in jobs and in remote service delivery. Today the Prime Minister has reported to the parliament on the impact of these investments, and there has been clear evidence of success in four of our targets: we promised to deliver access to early childhood education for all four year olds in remote communities, and that has been done; we promised to halve the gap in the child mortality rates by 2010, and we are on target; we promised to halve the gap in year 12 attainment by 2020, and we are ahead of schedule; and we promised to halve the gap in employment, and real progress has been made. (Time expired)

Senator CROSSIN (Northern Territory) (14:10): Mr President, just as a supplementary question I ask, then: what is the government doing to improve the educational outcomes for Indigenous children, regardless of where they live in this country?

Senator KIM CARR (Victoria—Minister for Human Services) (14:10): Education is the pillar on which this strategy stands or falls and it is the key to all life chances. It is the gateway to quality jobs and it is the only way to break the cycle of exclusion. It must be the focus of all governments and all communities—and we have not stood idly on this.
Take the Northern Territory, where Labor governments—federal and Territory—have brought seven new high schools and 200 additional teachers to the bush. We support the parents and teachers who support the kids, and our plan for school improvement is the next critical step. We will fund schools according to their need and we will measure them by their success. We will ensure that all of our children get a decent crack of life, and we want to ensure that, in one area where we are lagging in terms of our objectives on literacy and numeracy, determined action is taken to overcome this deficiency.

Senator CROSSIN (Northern Territory) (14:11): Mr President, I ask a further supplementary question. Finally, then, I ask: in this rollout of these crucial programs, what is the role of the state and territory governments in the delivery of these national goals to complement what is happening at the national level?

Senator KIM CARR (Victoria—Minister for Human Services) (14:11): Senator Crossin, I am sure you are aware that, as a nation, we will only be successful if all governments play their part. Now, this is a massive agenda, crossing core areas of shared responsibility, and that is why it has been developed, and that is why it must be delivered, in partnership. Today the Prime Minister has urged all parties to make true the commitments that they have made. There is a bipartisan concern in this parliament about attempts to walk away from alcohol restrictions, and, on this side of the chamber, we are also concerned by the savage funding cuts of Premier Newman and Chief Minister Mills. We are concerned by their determination to sack public servants—public servants who we need to ensure that these objectives are met and who make up the front line in the fight. Of course, we know that every one of these cuts has a social cost, and I trust that that is also remembered today: that every one of the cuts that are occurring in social security arrangements in Queensland—

(Time expired)

Superannuation

Senator CORMANN (Western Australia) (14:13): My question is to the Minister representing the Prime Minister, Senator Conroy. Does the government intend to keep its solemn promise made to Australians saving for their retirement through superannuation before the 2010 election that it would ‘never remove tax-free superannuation payments for the over-60s’?

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) (14:13): Could I thank the senator for his question. Unlike those opposite, those on this side of the chamber have always been the champions of the superannuation in this country. Those opposite now seek to spread fear and uncertainty. The far-sighted reforms that the former Labor government and current Labor government have introduced have been met with opposition from all of those opposite—both now and previously. Let me quote to you from Mr Tony Abbott in 1995 in the debate in parliament. He said, 'Compulsory superannuation is one of the biggest'—

Senator Cormann: Mr President, I rise on a point of order relating to the requirement for the minister to be directly relevant. Australians saving for their retirement across Australia need the minister to be directly relevant to the question. The question was very specific: does the government intend to keep its promise that it would never remove tax-free payments for superannuants over 60—yes or no? Nothing else can be directly relevant to that question.
The PRESIDENT: Firstly, on the point of order, I cannot tell the minister how to answer the question. That has been a longstanding situation in this chamber.

Opposition senators interjecting—

The PRESIDENT: Order! If you did not interject and had waited, you would have heard the whole context of what I had to say. I cannot tell the minister how to answer the question. The next part I was going to say, if people had been patient and had waited, was that I draw the minister’s attention to the question and the minister has one minute and one second remaining.

Senator CONROY: Thank you, Mr President. To finish the quote, Mr Abbott said:

Compulsory superannuation is one of the biggest con jobs ever foisted by government on the Australian people.

We do not resile from being the champions of superannuation in this country against those opposite—

Opposition senators interjecting—

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

Senator CONROY: who have got no interest except to take away superannuation.

Opposition senators interjecting—

The PRESIDENT: Order! I am calling Senator Conroy to address the question. He has 29 seconds.

Senator CONROY: Perhaps those opposite, instead of trying to spread fear and uncertainty, should address their $70 billion black hole. In asking questions like they are asking today, they choose simply—

Senator Brandis: Mr President, I rise on a point of order. The minister has ignored your direction three times now. He was asked whether or not the government stood by a commitment. That is all the question was about, as you acknowledged when you on three occasions directed him to the question, and on three occasions he has ignored you. Mr President, I ask you to assert your authority and either insist on a direct answer or sit the minister down.

The PRESIDENT: Order! I ruled at the outset, at the one minute and one second left to answer mark, that the minister could not be instructed how to answer the question. The second thing that I then did was to draw to the minister’s attention the question and that the minister should address the question. I know that I have subsequently asked the minister to address the question that is before the chair and the minister now has 13 seconds remaining to address the question.

Senator CONROY: Those opposite seek to play that old traditional game of rule in, rule out. I certainly will not be engaging in their fantasies about yes, no, rule in, rule out.

Honourable senators interjecting—

The PRESIDENT: Order!

Senator CORMANN (Western Australia) (14:18): Mr President, the answer to the first question was clearly no, the government does not intend to keep that promise.

The PRESIDENT: Order! That is completely out of order. The statement at the front of a question is completely out of order.

Senator CORMANN: My supplementary question is: why has the government cut the super co-contribution for low-income earners by $1,000, down from $1,500 under the Howard government to just $500 now, in particular given Labor’s emphatic promise before the 2007 election that it would not make any changes to superannuation? Can the minister rule out any further cuts to the low-income earners super co-contribution in the next budget?

Senator Wong interjecting—

Honourable senators interjecting—
The PRESIDENT: Order on both sides of the chamber! If you wish to debate this issue, the time is clearly after question time. Order!

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:19):
Mr President, it is breathtaking that those opposite seek to come in here and play rule-in rule-out games. The premise of the question is about playing rule-in rule-out games, yet Mr Abbott himself confirmed that one of the first things he would do if elected is to scrap a billion dollars' worth of the superannuation tax break for low-paid workers. Some 3.6 million low-paid workers would be facing having less money—$500 would be ripped away from Australian superannuants if those opposite got the chance to implement their policies. They want to come in here and start rule-in rule-out games to cover what Mr Abbott said last week. Let us be honest here, Mr Abbott said that he was going to do it—and we hear dead silence over there. (Time expired)

Senator CORMANN (Western Australia) (14:20): Mr President, I have a further supplementary question. Why should anyone trust that a re-elected Labor government would not scrap the low-earner super tax offset given Labor has tried to fund it by the mining tax, which has not raised any meaningful revenue? Why should anyone trust any commitment made by this government about superannuation given it has broken its promises made before the 2007 election and is about to break its most emphatic promise made to superannuants before the 2010 election?

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) (14:21):
Those opposite are now desperate to cover for what Mr Abbott said last week when he said that he wants to take 3.6 million low-paid Australians and reduce their benefits, and that is exactly what Mr Abbott has confirmed.
And you can stand up here and play rule in and rule out, but that is your stated policy. That is your stated policy, and you are not attempting for a second to contradict.

The PRESIDENT: Order! It is not time for debating the issue across the chamber.

Senator CONROY: Mr Abbott, a man who said he would not change Medicare before an election when he was the Minister for Health, and then in the first budget he made absolute cuts. Then, when he was asked in public—he was asked on the record, on television—did you think about resigning? He said, 'I thought about it for a minute but I decided not to'. So, do not come here and talk about trust. Tony Abbott has a trust deficit.

The PRESIDENT: Order! You need to refer to people in the other place—

Senator CONROY: Mr Abbott has a trust deficit with the Australian public. A trust deficit, and they know exactly—(Time expired)

Asylum Seekers

Senator HANSON-YOUNG (South Australia) (14:22): My question is to the Minister representing the Minister for Immigration, Senator Lundy. Last week, when I was visiting the Manus Island detention centre, I was banned from taking in my camera and my mobile phone. That meant that we were not able to take photos of the facilities. We were not able to take photos of the toilets without doors on them. We were not able to take photos—
The PRESIDENT: Order! Senator Hanson-Young is entitled to be heard in silence, and you should respect the right that she has when she is on her feet—on all sides.

Senator HANSON-YOUNG: This means that no photos were taken of the cramped facilities that families live in, the rooms without air conditioning, the men's toilets with no doors on them, the rubbish tip on which the children's play area sits with shards of glass sticking out of the grass. It was incredibly hot, humid and mouldy in this facility and yet we were not able to take any photographic evidence. What is the government hiding from the Australian taxpayer?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:24): It is worth prefacing my response with the fact that, for too long now, people smugglers have been peddling lies and false promises and this has led to tragic deaths. We want people to stop taking the dangerous journey and break the business model of the people smugglers. We remain committed to implementing the recommendations of the expert panel. Our message is clear: if you come to Australia by boat then you will be transferred to Nauru or Papua New Guinea. We are not breaching any international law or human rights obligations and we have increased our humanitarian intake.

The government has nothing to hide. The government is working very hard on the implementation of the recommendations of the independent expert panel, and we do so with the hope that one day the opposition will refrain from their continuing hypocrisy and support us with regard to the Malaysia arrangement as well. Sadly, the opposition choose not to do that. In the meantime, we will do our utmost to break that business model and—as Senator Hanson-Youn, I think, is only well aware—we are committed to that, particularly in relation to the management of those detention centres. We continue to work with the governments of both Nauru and PNG in the implementation of our policy, and our approach to breaking this people smugglers' business model.

Senator HANSON-YOUNG (South Australia) (14:25): I take note of the minister's answer to my first question. I have a supplementary question. On 16 August last year, the minister spoke in this chamber during the debate on the legislation to allow offshore processing, saying that the Australian government would adhere to all obligations for health, wellbeing and the welfare of detainees on Manus Island and Nauru to be met. The UNHCR have criticised the government's meeting of those obligations this week. They have also stressed that this is illegal. What is the government's response?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:26): In relation to the UNHCR report the Gillard government is committed to ensuring people held in immigration are treated with dignity and respect. Food and water are available at all times, as is access to medical care and mental health support services whenever they are required. This government works constructively with the UNHCR, and will do so in relation to the operation of regional processing centres in both Nauru and Papua New Guinea. Indeed, the UNHCR itself acknowledges the commitment and ongoing effort by this government to put in place the procedures and conditions for transferees. We continue to work closely with the government of PNG in relation to many of the concerns raised by the UNHCR in its report—echoed by Senator Hanson-Young.
again today—particularly in relation to the continuing construction of a permanent facility, the development of operational policies and legal frameworks, the development of a refugee status determination process and arrangements for the provisions of mental health services.

Senator HANSON-YOUNG (South Australia) (14:27): I ask the minister under what definition of dignity and respect does not having toilet doors on the cubicles at the detention centre for detainees fall?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:27): I reject totally the imputation in this question that the government is not making every effort, through our management of these centres and our work with the PNG and Nauru governments in this regard. Senator Hanson-Young can bring a range of issues into this chamber—as she does continually—and I am in a position to provide reassurance that I just outlined about the raft of matters that we are working on very closely with the PNG government. The UNHCR of course has direct involvement in all of this work, and I am confident that our commitment to the dignity and respect of detainees in these detention centres is maintained with the full oversight of the UNHCR in this regard. We are responding to the report in the way that I have described.

Mining

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:28): My question is to the Minister for Finance and the Minister representing the Treasurer, Senator Wong. I seek the minister's assistance in relation to the revenue raised by the MRRT. As a former senior adviser to the last Australian Treasurer to deliver a budget surplus—

Government senators interjecting—

The PRESIDENT: Order! This outburst is completely disorderly.

Senator FIFIELD: I cannot recall a time when the then Treasurer did not actually want to know how much revenue each tax collected! But is the minister not aware that the law does authorise the disclosure of taxpayers' information to a minister for the purpose of enabling that minister to exercise a power or to perform any function under tax law?

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 his question—

Senator Jacinta Collins: Thank him for his legal advice!

Senator WONG: I am not thanking him for his legal advice. But on the MRRT: I am not in the habit of having a long legal argument in this chamber. I will leave that to Senator Brandis; I am sure that he will be very happy to engage in that. But the government has made clear the advice that has been received in relation to the operation—

Senator Cormann: Nobody believes you! You are covering up the stuff-up that is your mining tax!

Senator WONG: Well, you may not, Senator Cormann, but not everything is the conspiracy theory that you think it is. This is called the administration of—

Honourable senators interjecting—

The PRESIDENT: Order, on both sides!
a consequence of the government's awareness, Mr Bradbury, the Assistant Treasurer, is leading work to improve the transparency of Australia's business tax system so that this type of information can be released appropriately. Through this, the government wishes to broaden the transparency of the tax system, including in relation to MRRT revenue. This approach that is being led by the Assistant Treasurer would remove any ambiguity from reporting requirements so that these issues can be addressed.

Obviously, continuing to protect taxpayer confidentiality for individuals is essential. But there is a case in the government's view to examine whether larger multinational businesses should have the same level of confidentiality about the taxes they have paid. We will approach this issue in a measured, considered and principled way, rather than taking an ad hoc approach to particular taxpayers or particular taxes.

Senator Fifield: Mr President, I ask a supplementary question. Minister, is it not the case that the legislative provisions protecting taxpayer privacy also include an exemption that taxpayer information can be disclosed where the public benefit derived from disclosing outweighs that entity's privacy?

Senator Wong: I do not think that the Senate was the appropriate place to go into detailed legal debates on interpretation of different provisions in law. Beyond that issue, she has outlined quite a range of relevant information and described the process that Treasury and the tax office have been through. She is attempting, as far as is relevant, to address the question raised.

The President: I believe the minister is answering the question. The minister does have 16 seconds remaining, though, to answer the question.

Senator Wong: I was actually attempting to be helpful, but obviously I am not going to get into a legal argument. The point I was making is that the government has not made a decision on this. This decision has been made by those who administer the tax laws.
Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:36): Mr President, I ask a further supplementary question. Given that the public interest threshold to which I referred has clearly been passed, why is the minister still refusing to release the revenue details for the MRRT? And will the minister at least confirm whether any minister in the government is actually aware of how much money has been raised by the MRRT?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:36): In relation to the latter, I think that has been answered publicly previously: Treasury is not in a position to advise ministers, given the provision of the tax act. As to the details of that revenue, given the confidentiality provisions—

Senator Brandis: So you have no idea. It's extraordinary!

Senator Cormann: You come up with a new tax and you don't know how much it raises. It's ridiculous!

The PRESIDENT: Order! If you wish to debate it, the time is after question time.

Senator WONG: However, the government, as I have said now on a number of occasions in this place, is aware of the desire and the appropriateness of proper transparency in relation to taxation matters. That is why we have seen the announcement from the Assistant Treasurer in relation to measures to increase transparency. But again, as I said, we will do this in a methodical and principled way, rather than the ad hoc way that appears to be what is proposed by the opposition.

Mali

Senator STEPHENS (New South Wales) (14:36): My question today is to the Minister for Foreign Affairs, Senator Bob Carr. Can the minister please update the Senate on the crisis in Mali?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:36): On 11 January French forces launched an attack on extremist groups that had terrorised northern Mali for nearly a year. As the jihadists were driven out of Timbuktu they destroyed priceless manuscripts, some from the 13th century. Their atrocities also included extrajudicial executions, rape, the recruitment of child soldiers and an extreme interpretation of Shari law. For example, there was television footage last week of a veiled woman crouching in the desert sand in northern Mali, being flogged by an extremist group.

The UN estimates that more than 225,000 persons are internally displaced, almost 145,000 Malians are refugees and 4.3 million people need assistance. Destabilised by years of poverty, weak governance and environmental degradation, and flush with weapons from Libya, Mali is at risk of becoming a haven for terrorists and for networks of organised crime. Australia has welcomed and supported the French intervention and recent successes in pushing back these extremist forces. African forces, under the African-led International Support Mission in Mali, AFISMA, are being deployed to take over from the French. US Vice-President Biden, in a press conference on 4 February with French President Hollande, said, 'The US agreed on the need to transition these military operations into a UN peacekeeping mission as soon as it was prudent.'

We welcome the recent framework for dialogue and elections. We call on leaders in Bamako and progressive elements to the north to embrace negotiations in good faith. There is a need for a political road map that
offers people who are non-violent and non-extremists that opportunity to join the political process in this country. When I meet Mali’s ambassador to Australia later today I will repeat our call for all sides—

(Time expired)

Senator STEPHENS (New South Wales) (14:38): I thank the minister for that comprehensive response. Mr President, I ask a supplementary question. Can the minister advise what steps the Australian government is taking in response to this crisis?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:39): When the French foreign minister, Laurent Fabius, called me in January with a request for assistance, I underlined that Australia was committed to helping and that, as a Security Council member, Australia supported the rapid deployment of AFISMA troops.

On 29 January the Minister for Defence and I announced $5 million to assist AFISMA. This will help fund transport, communications, medical supplies and other equipment. I also announced $5 million in aid for critical items such as medicine, food, water and shelter. This is on top of our $44 million in support of the Sahel region announced in 2012. Some $10 million of that $40 million went to Mali. I am proud to say that, when other countries suspended their programs because of the coup that took place in March, Australia was one of the few countries to say: 'The humanitarian arguments are overwhelming; we'll continue aid.' Our commitment to help those in need in that country remains. (Time expired)

Senator STEPHENS (New South Wales) (14:40): Mr President, I ask a further supplementary question. Can the minister update the Senate on the threat posed by extremist groups in Mali and in Africa more broadly, given the fragile nature of things?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:40): Terrorism does remain an enduring threat in the region. In Africa, extremist groups are finding new ways to spread sectarian conflict by exploiting weak governance. Efforts by extremists, including al-Qaeda in the Islamic Maghreb, to establish a safe haven in Mali have met stout resistance from the international community. But the threat of extremism in Africa is not limited to this country. In Somalia, the al-Qaeda affiliated terrorist group, al-Shabaab, has waged a bloody terrorist campaign in recent years. In 2012 there was a tremendous effort by the African union force, AMISOM, to re-establish peace and security in Somalia. Al-Shabaab, however, remains a potent threat to regional security. In Nigeria, Boko Haram conducts widespread killings and incites sectarian violence. (Time expired)

Housing Affordability

Senator PAYNE (New South Wales) (14:41): My question is to the Minister representing the Minister for Housing and Homelessness, Senator Kim Carr. Can the minister explain how splitting the housing portfolio back into two levels of ministerial responsibility again will solve the national housing shortage of 228,000, the resulting lack of affordable rental accommodation and the persistently high number of homeless people, which has risen by 17 per cent under this government, especially given that two reshuffles ago the Prime Minister then consolidated the portfolio to 'ensure a stronger focus on this issue'?

Senator KIM CARR (Victoria—Minister for Human Services) (14:42): I thank Senator Payne for her question. I remind her that this Labor government has a very proud record of helping to deliver affordable housing to Australians and their families. At the broad level, our economic management
has kept unemployment low, it has helped contain inflation and it has enabled the RBA to keep interest rates low. The current standard variable rate of banks has meant that we are well below what the Liberals left us with when they were in government. If you want to talk about housing you have to talk about interest rates. It is quite clear that there is more money in the pockets of Australian families. They are now saving nearly $5,000 a year on a $300,000 loan, compared to the situation on 27 November. I also remind Senator Payne that, when she wants to talk about a commitment to housing, the Liberal government ripped out $3.1 billion from the housing budget and they—

Senator Brandis: Mr President, I rise on a point of order on direct relevance. Comments about what a previous government may have done are not directly relevant to the question of how splitting a portfolio has contributed to the 17 per cent increase in homelessness over which this Labor government has presided.

Senator Wong: Mr President, I rise on the point of order: I think it says something about Senator Brandis and the coalition that they think interest rates have nothing to do with housing. That is clearly directly relevant and the minister should be allowed to proceed.

The PRESIDENT: Order! I am listening very closely to the minister's answer. There is no point of order at this stage, but the minister has 52 seconds remaining to address the question.

Senator KIM CARR: Thank you, Mr President, for listening so carefully. The question here goes to the issue of commitment to housing policy and this government has a very proud record of achievement when it comes to the actual delivery of affordable housing to Australians. We have directly contributed to the construction of more than one in 20 new homes since coming to office through programs such as the $6 billion investment in social housing, which has delivered some 21,000 social housing homes across the nation. There is some $4.5 billion in the National Rental Affordability Scheme, which is providing incentive payments to the private sector to build 50,000 affordable rental homes. So when you compare this government's record with that of the previous government I think we can be quite proud in our assertions that this is a government that is actually committed to housing policy. (Time expired)

Senator PAYNE (New South Wales) (14:45): Mr President, I ask a supplementary question. Would the minister advise the Senate what part of the government's 'proud record' is the fact that only 10,671 dwellings have been allocated under the National Rental Affordability Scheme over the past four years when the government has established for itself a target of 50,000 dwellings by June 2016? When will the next over 35,000 be delivered?

Senator KIM CARR (Victoria—Minister for Human Services) (14:45): I am sure Senator Payne would be aware that the government has a $4.5 billion National Rental Affordability Scheme, which is delivered in partnership with the states and territories and which will provide 50,000 new rental homes. I am advised that there is an increasing supply of more affordable private rental through reduced rental costs for low- and moderate-income households, being done by encouraging private investment in innovative, affordable housing. The scheme does offer financial incentives for the business sector and community organisations and has done so, I think, quite effectively across the country. Tenants may
also be eligible for rent assistance, making homes even more affordable.

**Senator Payne:** Mr President, I rise on a point of order. I clearly asked the minister when the government would deliver the total of 50,000 dwellings under the NRAS scheme, which is their stated target by 30 June 2016, and the minister has gone no way whatsoever towards answering that question.

**The PRESIDENT:** I do draw the minister's is attention to the question.

**Senator Abetz:** And thank you for listening so closely!

**Senator KIM CARR:** I thank you, too, Senator Abetz, for your interest in the matter! As of 31 December 2012 nearly 11,300 dwellings have been built under the National Rental Affordability Scheme, with over 28,000 in the pipeline. I trust that satisfies the senator's interest. *(Time expired)*

**Senator PAYNE** (New South Wales) (14:47): Mr President, I ask a further supplementary question. The minister referred in his previous response to rents. Given that median rents have risen by over 29 per cent, according to the Australian Bureau of Statistics, during your government's term, how can the stakeholders, whether they are homeowners or renters or investors or home builders and those who are struggling to even put a roof over their heads, have any confidence that the new minister, the new parliamentary secretary, will make any further difference at solving the housing shortage in this country?

**Senator KIM CARR** (Victoria—Minister for Human Services) (14:47): This is a government that actually has housing as a critical part of its ministerial line-up; you in government did not. Under the previous government, $3.1 billion was taken out of the housing budget and the previous government actually voted against building some 20,000 new homes the last time they had a chance to actually support affordable housing. So rather than talk about it, when you had the chance to do something about it, you failed miserably. And you want to compare our record with that! I think our case rests.

**International Student Visas**

**Senator XENOPHON** (South Australia) (14:48): My question is to Senator Lundy representing the Minister for Immigration and Citizenship. On 30 June 2011 the Knight review into the student visa framework handed down 41 recommendations to improve Australia's student visa system. In September 2011, as part of its response to these recommendations, the government announced that it would request DIAC to undertake a review of the student visa assessment level framework, with a discussion paper released in March 2012. To date, education and training providers are still waiting to hear the outcome of this review, even though it was supposed to be released in November last year, and the uncertainty, particularly amongst South Australian providers, is damaging to the sector. Can the minister provide a date for this long awaited announcement?

**Senator LUNDY** (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:49): The international education sector is, of course, one of Australia's largest export industries and is very important to Australia in that regard. It is also an increasingly competitive area of our export sector and plays an important role in supporting employment across a whole range of sectors and in adding high-value skills.

Back in December of 2010 the Australian government appointed Michael Knight AO to conduct the first strategic review of the student visa program to enhance the quality of and integrity and competitiveness of our
program. He made 41 recommendations in the review and on 22 September 2011 the government announced its response to the strategic review of the student visa program conducted by Michael Knight.

Recommendation 32 of that report is that the department undertake a review of the student visa assessment level framework. This review was undertaken in 2012, as required, and the government has been considering its response. When the government announced the review it made clear the implementation of the agreed recommendations would occur in 2013. It is expected that the government will release the review's report shortly and its response to these recommendations.

In considering this issue, the government has been very mindful of the need to ensure the integrity of the migration system as it relates to our international education sector as well as supporting the international education sector because of its growing competitiveness in the global environment and, as I said at the start of my response to this question, its increasing importance to Australia and our relationships and the sustainment of our export earnings in the education sector.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:51): No, I cannot do any better than 'shortly', Senator Xenophon, but I think you understand what that means. The government has not made any announcements on its response to the review, including whether the extension and streamlining arrangements will be a part of this. If streamlined visa processing is part of the government's response it is clear that the selection of low-risk education providers invited to participate will be key to the success of the arrangements. Of course, the government recognises the importance of international education to the sector and the economy more broadly. That is why we have made significant reforms to student visas to support the continued sustainable growth of this sector. We also recognise any impact that the changes to visa processing could make to individual education providers. That is why the former minister consulted with key stakeholders on a potential model last year and that is why we are ensuring the government response is carefully calibrated to ensure the student visa program can continue to facilitate the growth of the international education system. (Time expired)

Senator XENOPHON (South Australia) (14:52): Mr President, I ask a second supplementary question. Data show that overseas student numbers have dropped in the last three years, with revenue in South Australia, for instance, dropping from $1.03 billion in 2010 to $884 million in 2011. The concern in the sector in South Australia has been that, if this trend continues, it could put hundreds of jobs at risk. Can the minister provide any information on how this drop has been addressed during the review process?
Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:53): Student numbers have declined as a result of a range of factors. The Gillard Labor government has taken substantial steps, especially through the process of the Knight review, to assist the growth of the sector, and we would hope that the outcomes of the risk review contribute to that objective. Reforms to Australia’s permanent migration program have substantially changed the incentives for these types of prospective students. Declines in numbers have also occurred due to a range of other factors including the safety concerns of Indian students and the appreciating Australian dollar—a significant factor in the increased competitiveness from other countries. I think it is fair to say that other countries have awakened to the opportunities that exist in the international education sector, so the degree of competitiveness across a whole range of competing nations has lifted substantially.

Carbon Pricing

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (14:54): My question is to Senator Ludwig, the Minister representing the Minister for Climate Change and Energy Efficiency. I remind the minister that on 11 October last year I raised with you in question time the effect of the government’s carbon tax on the viability of Tamworth business Grain Products Australia. In that question I referred you to the carbon tax component of $27,000, $29,000 and $28,000 in the company’s electricity bills for the first three months. After being challenged by you to table those accounts, I did. I have not had a response as to that from the government as yet. Is the minister aware that on 19 December last year Grain Products Australia went into voluntary administration and in its press release—it cited the carbon tax as a factor in its demise?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:55): I thank Senator Williams for his question. The government has been up-front about the carbon price and electricity prices, unlike those opposite. Treasury modelling found that the carbon price would increase household electricity prices by 10 per cent—$3.30 per week on average. The electricity regulator determinations have in fact confirmed this. In some cases the carbon impact has been less than Treasury’s estimates. The impact is also confirmed as the CPI figures continue to be reported by the ABS. To meet the impact, the government provided $10.10 per week, on average, to households. But the main driver—which the opposition do not acknowledge—of electricity prices in recent years has been the cost of electricity networks, most of which are owned by state governments. It is important to establish these facts, Senator Williams, because those opposite are engaged in a cowardly campaign of frightening pensioners and frightening businesses about this issue. They have misled people about the assistance for small business. They have misled people about the strength of our economy. It has been a farce when you look at some of the outrageous statements the opposition have made, particularly those from their leader, who talked about wrecking balls, cobra strikes, python squeezes, dogs of taxes and octopus embraces as he slid down that hill. It is time that the opposition leader displayed some integrity in this place and put this discredited scare campaign out of its misery. (Time expired)

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate)
Mr President, I have a supplementary question. I also refer the minister to Parry Logistics, a transport company also based in Tamworth, which was contracted to carry for Grain Products Australia. The flow-on effect of Grain Products Australia's financial problems was that Parry Logistics laid off eight employees on Christmas Eve—what a Christmas present! Does the minister believe that the carbon tax is still good for working families when it is really putting them out of work?

I thank Senator Williams. Unlike Senator Williams or those opposite perhaps, I do care about workers who have lost their jobs. It is an area where—having worked in that field—trying to then tie it shamelessly to this issue is, I think, beyond the pale. Treasury modelling shows that the carbon price will increase household electricity prices by 10 per cent, and rulings by state electricity regulators are confirming this impact. If you look at the analysis last year, big switch projects on large business users demonstrated an average rise of about 11 per cent due to the carbon price. What has been happening which those opposite do not really want to talk about is that large businesses and many network companies have been increasing demand charges by as much as 75 per cent, which is resulting in overall bill increases of up to 53 per cent. (Time expired)

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (14:59): A further supplementary question, Mr President. I refer the minister to a statement from Grain Products Australia which said, 'The federal government has not agreed to provide any relief for the carbon tax in spite of public statements that expect industries would be compensated.' If the carbon tax is so good for the economy, jobs and investment, why did your government throw eight Tamworth people out of work and put the future of 68 others at extreme risk by denying Grain Products Australia any assistance as a trade exposed industry?

Senator Williams interjecting—

The PRESIDENT: Order! Senator Williams, you have asked the question.

Honourable senators interjecting—

The PRESIDENT: Order on both sides!

Senator Ludwig.

Senator LUDWIG: Thank you, Mr President. I find that extraordinarily disappointing, and if he wants to tie jobs to this issue maybe he should have a look at his own state and what they are doing with jobs. And they are sacking people in my own state, where 14,000 public servants lost their jobs. If you want to talk about what Liberals do, have a look at what New South Wales and Queensland are doing in putting wrecking balls through jobs in those areas, rather than trying to tie this together to a carbon price. The opposition know full well that in states it is important to understand what has been happening. In most cases, business electricity cost increases are expected to be passed on. They have been passed on by the networks within those state governments themselves that have been increasing the electricity price. Of course, you do not care about that. You do not care about what the state governments are doing in passing on electricity price increases. (Time expired)

Senator Conroy: Mr President, I ask that further questions be placed on the Notice Paper.
ANSWERS TO QUESTIONS ON
NOTICE

Question No. 2384

Senator LUDLAM (Western Australia) (15:01): Pursuant to standing order 74(5), I ask the Minister representing the Minister for Defence, Senator Bob Carr, for an explanation as to why answers have not been provided to question No. 2384, asked on 19 October 2012.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:01): In this instance I am unsure of whether notice has been given. I assume that it has been given but I do not have a response at this point. What I will do is seek to ensure that Senator Ludlam is provided with a response as soon as practicable.

Senator LUDLAM (Western Australia) (15:02): I thank Senator Ludwig for stepping into the breach. This is extraordinary. As you hinted, I did tip off Minister Carr's office this morning, as is the usual courtesy, and Senator Carr has nonetheless decided to leave the chamber.

Opposition senators interjecting—

The DEPUTY PRESIDENT: Order on my left! Senator Ludlam, you have the call.

Senator LUDLAM: I move:

That the Senate take note of the minister's failure to provide either an answer or an explanation.

The Senate should note the absence of an answer and the absence of the Minister representing the Minister for Defence. As everybody in this chamber knows, and is generally held to, answers to questions on notice are due in 30 days. I have 10 outstanding questions on notice, several of them more than six months overdue. Senator Cash is indicating she has some—

Senator Cash interjecting—

Senator LUDLAM: Several hundred? Senator Cash has been busy. I think it has become something of a repetitive pattern to see this kind of neglect, and prolonged neglect, of perfectly legitimate questions put through the chamber by senators on all sides. Question 2384 was asked on 19 October and I should therefore have received an answer in late November. A couple of days you can forgive. I am also aware that it is the holiday season and that public servants, as well as the rest of us, need to take a break. However, I am extremely impatient for an answer to this question because it pertains to events that are imminent, that are in fact occurring on 2 and 3 March in Oslo, Norway.

The question relates to whether or not the Australian government will be participating in a conference held by the government of Norway about the humanitarian consequences of nuclear weapons and their use—not their threat of use but their actual use. I think it is important for Australia to participate in this conference. I hope that somewhere in this building somebody is giving some consideration to an answer to the question. I also hope that we are intending to participate constructively, that Australia will not simply turn up in an attempt to sabotage any moves that might be made to bring forward an international agreement to ban these weapons.

Australia has played an important diplomatic and political role as a middle power in past times—starting with the Canberra Commission and more recently with then Prime Minister Rudd's joint commission with the government of Japan—to explore ways to bring the permanent nuclear weapons states together around the table, as well as those states remaining outside international non-proliferation treaty instruments and also other states that may be
considering or contemplating the use of nuclear weapons, which I should say is a tiny handful of nation states relative to the number of states around the world that want these weapons phased out.

In every country in which polling has been undertaken, whether it be a democracy or not, the vast majority of the citizenry, including here in Australia, want these weapons phased out. They have no strategic military utility and they exist in a kind of limbo, where they simply cannot be used. Some instinct of self-preservation has kept fingers off the triggers through the years of the Cold War and out the other side into the 21st century. But many of these weapons are hundreds or thousands of times more powerful than the bombs that flattened Hiroshima and Nagasaki. And if we imagine that in perpetuity we can maintain stockpiles of these hideous devices and that they will never be used by accident, misadventure or design, then we are in fact delusional. The time to make the decisions to phase out the weapons is before that eventuality, not the day after we find some familiar city somewhere in the world has been turned into a field of ash and radioactive glass.

The question that I put to the minister has a number of components, including a question about the level of preparedness that the Australian government might have should such a weapon be used here. I do not imagine that that is a consideration that occupies the front of mind for most people in Australia, either in our diplomatic corps or, I suspect, in the Australian military, in the ADF. It is actually pretty unfashionable to consider a nuclear detonation occurring in Australia. It certainly was not during the Cold War, when we were engaged in a nuclear arms race on behalf of our great and powerful ally, the United States, with their counterparts in the Soviet Union in a suicide pact that lasted for 40 or so years before a number of the weapons were stood down.

The general consensus was that, with the collapse of the Soviet Union, the risk of nuclear Armageddon had eased, and it has almost entirely disappeared from the public consciousness apart from in a few places. But the reason I want to bring these questions to the chamber today, in the absence of either an answer or indeed the presence of the Minister representing the Minister for Defence in here, is that these matters may have faded from public consciousness but they have not disappeared. The idea that a nuclear weapon could either be targeted upon Australia, detonated by accident or, in fact, used in this country is not impossible and does deserve a degree of public scrutiny, certainly more than it gets at the moment.

In the 2009 Defence white paper, ironically enough at the same time as Prime Minister Rudd was making what I thought were genuine diplomatic efforts with our counterparts in Japan to try to forward a consensus on the elimination of nuclear weapons, into the Defence white paper was being written, 'We support the maintenance and the perpetuation of the United States nuclear umbrella and the protection that affords Australia.' We, in fact, find that there is still strategic utility in saying that if you use a nuclear weapon on Australia, our allies the United States will erase your country and simply taking off the map. That is present prevailing Australian security policy—genocide for genocide; if you do us, we will do you with these weapons—is the same Cold War suicide pact written into the 2009 Defence white paper. All of the permanent five nuclear weapons states that maintain the veto power on the United Nations Security Council that Australia has temporarily joined are upgrading—not merely maintaining, but upgrading and
improving— their nuclear weapons stockpiles.

It may seem a little uncomfortable and it may even lead to a degree of eye rolling that I would be bothered to bring a matter such as this to the Senate chamber early in 2013, but Australia is presently involved in a nuclear arms race on behalf of our ally the United States, who, like the other permanent five nuclear weapons states, and those who have remained outside treaty obligations, are in total violation of their obligations to disarm and are, in fact, preparing for the use of these weapons which we know are simply indiscriminate.

It is not simply about the modernisation of these weapons, and this is where these issues come home. I have been engaged in debate with senior Defence officials and with MPs in here and senators on the government side about whether or not we should be calling the US military installations that are popping up across the top end of Australia and elsewhere 'bases'. You can kid yourself and describe them as not being bases if you want; you can call them joint facilities. I do not particularly care. They will have Australian flags flying over them, and I understand that is being done in order to prevent people from getting too upset. We know for a fact that Pine Gap, North West Cape and Nurrungar were nuclear targets during the Cold War, thanks to declassified ONA reports that Philip Doring wrote up in the Age last year.

So what are these plans today? These installations—Pine Gap is the one that gets a certain amount of attention—are used to assist the United States military in targeting the weapons carried by ballistic missile submarines. That is partly what it does. That is partly what occurs at North West Cape. So these Defence and intelligence facilities are deadly serious. They are not just about snooping on the phone calls of ordinary people. The idea that we are seeing these bases—and I will continue to call them that until any kind of evidence to the contrary is presented to me—may well be the site of transshipments of nuclear weapons through ports, through our harbours, through land based facilities and through airfields. Whether we imagine that US bombers on their way around the world from bases elsewhere, if they knew they were going to have to stop in at Darwin or spend six months at Tyndall, would leave these devices at home, and in the event that they needed to use them would quickly scoot back to Hawaii or Guam and pick them up, is absolutely inconceivable. We know that is not the case and I have no confidence at all that these weapons will be left at home. In fact, we may be opening the door to stockpiling or transit of nuclear weapons through Australian ports and on Australian soil.

Which of our hospitals are trained and ready for a nuclear detonation in Australia, if any? Is there any degree of preparedness? I will quickly traverse the tenor of the questions that I put to the Minister for Defence through his representative in here, Senator Bob Carr. Which of our emergency services are trained and ready? Which of our hospitals are trained and ready? One of the questions goes to how many burn beds we have. These are considerations that Australian Defence and civil emergency institutions had to contend with during the Cold War. I suspect this has all been forgotten since then. What training and readiness do our military and other first responders have in place for the possibility? Where do we think might be the targets today? Would they be the same as those in the Cold War or would they be different in a world emphasising—including our own policies—the tension between the governments of the United States and China?
What contingencies are in place for agricultural lands and for food production?

The impact of one nuclear weapon being detonated is simply unimaginable. Given that those that exist today are thousands of times more powerful than the ones that destroyed those two cities in Japan in 1945, I am not sure that there is any way to be properly prepared for a nuclear attack, but it would be interesting to know whether any of this thinking is occurring at all or whether we are simply prepared to believe in a form of institutional denial that we can buy into the United States nuclear weapons umbrella and nod our heads at the idea that the nuclear weapons states will never disarm and that these weapons are with us forever, and on the other hand continue in total oblivion to the consequences of their continued existence and their use.

There are, in fact, 22,000 of these weapons in existence right now, with up to 5,000 of them poised on hair-trigger alert, the so-called 'launch on warning'. If you believe—and you might only have 15 or 20 minutes to make this judgement call, as occurred during the Cold War—that you are under a nuclear attack by aircraft or by ballistic missile, you have minutes in which to decide whether or not to launch a counter-attack, because if you do not, and that attack is real, you will then miss the opportunity to incinerate the country of your opposition. The so-called 'launch on warning'; 5,000 of these weapons on hair-trigger alert today, including in our region.

The International Committee of the Red Cross, the pre-eminent promoter and protector of humanitarian law, adopted a resolution in 2011 that emphasises the incalculable human suffering that could be expected to result from any use of nuclear weapons here in Australia, in our region or anywhere in the world, and the lack of any adequate humanitarian response capacity.

I have also asked about the situation in South Asia between Pakistan and India, the place where many military and political analysts think the most dangerous nuclear stand-off in the world today is occurring. My question is: what are the likely effects of a regional nuclear exchange in South Asia on, for example, agricultural production in Australia and in that region, water quality, and the extraordinary flood of refugees, many of them contaminated, burned, leaving the region? This is not a far-fetched conspiracy theory. India and Pakistan are in a nuclear arms race and that is why the United Nations Security Council adopted resolution 1172 on 6 June 1998 after both India and Pakistan had tested nuclear weapons. That UNSC resolution encouraged all states to prevent the export of equipment, materials or technology that could in any way assist programs in India or in Pakistan for nuclear weapons. So why is Australia, at the same time as we are taking a temporary seat on the Security Council, proposing to do just that?

I have quoted probably more than once in this chamber K Subramaniam, the former head of the National Security Advisory Board in India, who said this in 2005: 'Given India's uranium ore crunch and the need to build up our nuclear deterrent arsenal as fast as possible, it is to India's advantage to categorise as many power reactors as possible as civilian ones to be refuelled by imported uranium and conserve our native uranium fuel for weapons grade plutonium production.' That is what we are walking into in Australia with a blindfold on. We are assisting the government of India to expand, enlarge and modernise its nuclear weapons arsenal to continue its nuclear arms race with the government of Pakistan. Recently police in Indian Kashmir have warned their
constituents to build underground bunkers in case there is a nuclear exchange. This notice was issued by the state disaster response force in papers headed 'Protection against nuclear, biological and chemical weapons'. It is duck-and-cover stuff from out of the 1950s in the United States. It reads very similarly; some of the advice is very similar. It tells citizens to wait for the winds to die down and for debris to stop falling. It warns about initial orientation from being under a nuclear detonation. It tells people to run towards the blast so that they are not wiped out by their tumbling vehicle. It is this sort of advice, which will come in very helpful! As we know today, caesium fallout from Australian uranium now laces the fields around Fukushima. There is every possibility that uranium from Australia would be in such an exchange.

Senator Ian Macdonald: Mr Deputy President, I raise a point of order. I do not want to unduly curtail Senator Ludlam on what he obviously thinks is an interesting matter, but we have been very patient on this side. I refer you to the standing order, which says:

At the conclusion of question time on any day after that period a senator may ask the relevant Minister for an explanation on why there has not been an answer. The senator may at the conclusion of the explanation move without notice that the Senate take note of the explanation.

If that is the motion that Senator Ludlam moved, he should be talking about the explanation given by Minister Carr. We know that Minister Carr in his typical arrogance, although he had notice of this, exited the chamber. Whilst I know you allow some latitude, frankly 15 minutes on the subject of the questions rather than on taking note of the explanation I think is something that should be drawn to Senator Ludlam's attention.

The DEPUTY PRESIDENT: We have taken it that the motion is standing order 74(5)c, which is failure to provide an answer. I have conferred with the Clerk and Senator Ludlam is in order in providing the information he is providing in relation to the failure of the minister to provide an answer. Senator Ludlam, you have the call.

Senator LUDLAM: Thank you, Chair. I remind Senator Macdonald, who was actually sitting here, that I did move such a motion 14 minutes and 40 seconds ago, and it is nice of you to join us. As time is short, I will conclude my remarks and come back to the nature of the questions I put to the minister and why it is so extraordinary—it is one of the rare occasions I would agree with Senator Macdonald—for the minister to simply leave the chamber. He was given three or four hours notice that I was going to put this to him. The appropriate thing to do is to simply table the question, and that could have avoided this speech, although I probably would have found another opportunity to read it in.

In conclusion, we simply should not be fuelling these kinds of conflicts in our region or anywhere else. We should go into these matters with our eyes open. So the question I put to the minister was around Australia's participation in the conference in Oslo in early March around the humanitarian impacts of the use of nuclear weapons. We believe that there is not just massive civil society support for such an endeavour but support among many governments around the world, middle powers such as Australia who have taken these positions and others around the world representing not millions but billions of people, that there should be an international legal time-bound obligation on the nuclear weapon states, which exists on paper under article 6 of the Nuclear Non-proliferation Treaty, to abolish these weapons. When North Korea, Iran and these
other so-called nuclear break-out states, even Burma for a period of time, propose the construction and deployment of these weapons, they do so because other powers already hold them. The existence of nuclear weapons in the hands of the United States government invoked the need to develop them by those authorities in the Soviet Union, which invoked the Chinese authorities, the French, the British, the Israelis, the Indians, the Pakistanis, the North Koreans and the Iranians. Even in Australia there was a move on for nuclear weapons capabilities, and every now and again that idea boils to the surface and settles back into the depths again. Will Australia send representation to this meeting in Oslo? That is a question I would have appreciated an answer to from the minister. Who are we sending and at what degree of seniority? Are we going with the intention to help engage in dialogue about an international legal agreement to ban these weapons, or are we going there on behalf of our ally the United States to frustrate and delay? I hope for and expect an answer to this question on notice very soon. I thank my colleagues in the chamber for their support in allowing me to canvass these issues, as I will do it again until this world is free of these weapons once and for all.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (15:21): The actual motion moved by Senator Ludlam highlights the complete failure of the so-called new paradigm that we were promised by the Green-Labor alliance government. I would have thought Senator Ludlam could have resolved this issue at the normal Monday morning meeting between the Australian Greens and the ALP. Given that Senator Ludlam quite rightly complains about ministerial arrogance and non-answers by the ALP ministers, I thought it appropriate to remind Senator Ludlam that he is not alone in relation to this issue.

Senators right around this chamber are still awaiting answers to 1,399 questions that were asked at the last Senate estimates process, answers that should have been provided last year in December. We are now into the second month of 2013. We are now only a matter of days away from the next round of Senate estimates with over 20 per cent of the questions unanswered. How on earth can senators who are serious about their task of representing their electorates be able to deal with the next round of estimates when there are 1,399 answers outstanding to the questions?

This is indicative of a government that has no concern for the parliamentary process. We were promised all sorts of things in this new paradigm, courtesy of the country Independents and the Australian Greens. We were promised that the parliament would not be treated with contempt, that the executive would be answerable to the parliament. What do we have? The country Independents do not ever bleat even once about the non-answers by ministers and the Greens sporadically complain on a pet topic of their own but never about the overall arrogance because it is the Australian Greens who are keeping this arrogant government in power with those country Independents. Of course, it should not be a surprise that the Australian Greens in cahoots with the country Independents are not keeping this government to account because it is the Australian Greens, who combined with Labor, have thus far guillotined over 150 bills through this chamber without proper and full debate, something that they promised they would not do.

I wind up my remarks to indicate that the coalition sympathise with Senator Ludlam's dilemma but he and the Australian Greens
could actually do something if they were genuinely serious. I once again call on the government to ensure that answers are provided in a timely fashion to the questions that are taken on notice at Senate estimates.

Senator IAN MACDONALD (Queensland) (15:25): I also want to support Senator Ludlam’s motion. I say to Senator Ludlam: what Senator Carr has done here today is arrogance to the top degree. I cannot understand why Senator Ludlam allows that to continue. It was the Greens political party along with Mr Oakeshott and Mr Windsor who, when they agreed to support Ms Gillard as Prime Minister, made so much about accountability and the new paradigm of how the chambers would operate. It is within the power of the Greens to make that happen, but the Greens as ever are big on the rhetoric but, when it comes to the crunch, they will never do anything that in any way will impact adversely on their left-wing colleagues in the Labor Party.

I cannot believe that Senator Ludlam, who is a mature person and has been here a few years, can give Senator Carr notice that he requires an answer and Senator Carr just walks out arrogantly. I have been in this chamber a long time through previous Labor governments and through 11 years of the Howard government. Ministers would always stay and give an explanation of why they have not been able to table answers on notice. For Senator Carr to demonstrate that sort of arrogance is one thing, but for Senator Ludlam and his colleagues in the Greens political party to simply acquiesce in that is very difficult for me to understand. Senator Ludlam has the ability to do something about it but the Greens seem incapable of doing it.

I conclude by pleading with the Greens. I very seldom agree with anything they do, but the idea that they would support Gillard in exchange for a bit of democracy, honesty and integrity in the chamber and the way it operates was something that I thought was in order. The current group of ministers in the Labor Party simply ignore all the rules and standing orders and bylaws of the chamber and are a law unto themselves. I indicate—and this is not a criticism of the President because I do not criticise the President—that the way every minister in the Labor Party cannot and does not answer a question is just an appalling breach of standing orders. Again, the Greens political party will not do something about the way these ministers arrogantly treat this chamber.

This chamber is an elected chamber and the Labor ministers treat it with contempt and that is the way this government treats Australians. I urge the Greens political party to follow their rhetoric and insist upon ministers in this chamber at least discharging their duties as they should and being responsible and accountable to the elected members of this chamber.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (15:29): Can I indicate that I have received some correspondence here this afternoon and I am advised that the Minister for Defence approved a response to question 2384 last week, but an administrative delay within Defence meant that it had not yet appeared in Hansard. The minister’s office will email a copy of the response to Senator Ludlam this afternoon.

Senator RONALDSON (Victoria) (15:29): Given that response from the parliamentary secretary, it confirms again the complete and utter arrogance of this government. Not only had Senator Ludlam advised Minister Carr of the question but also we now hear that, indeed, there had been an answer provided by Defence, yet we have the very same minister walking out of here in a contemptuous fashion. Let no-one
forget that he of course was the captain's pick. Senator Carr was the captain's pick. We have seen the other captain's pick appointed in the last two weeks, when Senator Crossin—

Senator Mark Bishop: Mr Deputy President, I have a point of order. The opposition continually raises the issue of relevance. The question before the chair goes to an issue of answering, or not answering, a question arising out of estimates. It does not go at all to the issue of what the acting minister did or did not do. All Senator Ronaldson has done to date is address the latter issue, not the question before the chair. I suggest it would be appropriate for you to request—

The DEPUTY PRESIDENT: Order! There is no point of order, Senator Bishop. Senator Ronaldson is debating the motion that was moved by Senator Ludlam.

Senator RONALDSON: I have heard it all—a member of the Australian Labor Party talking about relevance! We have seen what happens day after day in question time, yet we have Senator Bishop standing here and giving us a lecture about relevance. What a nerve! That party has completely debased question time and refused to abide by the President. The new Leader of the Government in the Senate—whether he was the captain's pick or not; I rather suspect he was not, but he was owed so he got the job—on four occasions was asked by the President to come back to the question and the President was completely ignored. The arrogance of captain's pick Senator Carr in walking out of here today—he was given notice and he could quite easily have stayed here and said,'I do not have that information yet but I will give it to you'—is just reflective and represents what we have seen in this country since the Australian Labor Party was elected in 2007.

When we talk about utter arrogance, we cannot go past the promise this Prime Minister made that there would never be a carbon tax under the government she led. She did indeed bring in that carbon tax—a gross act of irresponsibility and a clear deception of the Australian people who were entitled to rely on her. While we are talking about this, I will ask Senator Farrell why it took some 45 minutes into this debate for this information to be provided when Senator Carr, the representative minister, knew full well that this question would be asked. Either he is arrogant—we know he is arrogant—or his staff just do not care. It may well be a combination of the two.

What we see from a government lurching towards the election of 2013 is an example of a dysfunctional and divided government that is incapable of even meeting the proper processes and decenties that have been in place in this chamber for a long, long time. It is about time Senator Carr reflected on his behaviour. It is about time the Prime Minister reflected on her behaviour in relation to captain's picks of people who do not in any way understand or respect the principles and practices of this place. I know other colleagues want to speak on other matters so I will finish my comment on that note.

Question agreed to.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Obeid, Mr Eddie
Superannuation

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (15:34): 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 the Leader of the Australian Labor Party to the Acting Minister for Broadband, Communications and the Digital Economy (Senator Carr).
the Opposition in the Senate (Senator Abetz) and Senator Cormann today relating to ministerial code of conduct and to superannuation.

It is interesting when we hear Senator Conroy struggle at times. Today he was using the singular and the plural, talking about 'Mr Abbott themselves', that they were distracted. It seems that maybe Senator Conroy is a little distracted of late. Maybe he has a few things on his mind. Sometimes Senator Conroy forgets things. Sometimes he forgets which chamber he is in. For a while he thought he was a member of the House of Representatives, whereas he is a senator. The members' interests registrar was the wrong one to send it to and he reminded himself that he was a senator. Sometimes he forgets to fill in a senators' interests form; sometimes he forgets which chamber he is in; sometimes Mr Obeid forgets his name.

Sometimes the government are a little bit unclear about what they should be doing with people's savings, and this is what is really pressing. Superannuation is going to be a big issue at this election because people have always believed that when they put money into super it will be there when they retire. It was an old-fashioned belief. Superannuation was set up, supported by Hawke and Keating—I see Mr Hawke is here today—with the belief that we do not have the money to support people with pensions, so we will get them to provide for themselves. More importantly, their employer would provide for them by putting money aside. In that way, when they retired the money would be there.

Now we find that a government that has got itself $262 billion in gross debt, that has been through a $75 billion debt limit, a $200 billion debt limit, a quarter-of-a-trillion dollar debt limit and is heading towards a $300 billion debt limit, is trying to work out how to pay it back. So it devised the mining tax. The trouble is that the people who came to help them out with that were the major mining companies. They devised a mining tax whereby they did not actually pay any tax. The government said, 'We will have a mining tax,' and Marius Kloppers said, 'You certainly will,' and then he whipped out a pen and paper and gave them one. It is working very well for BHP; it is working very well for Xstrata—and good luck to them. If a fool invites you to their office and opens a cheque book, well you just start writing out your own cheques. The carbon tax is another tax that is not making any money. It is actually costing money at the moment.

So they have come to this conclusion that they have no money, so they have to go and find money. The first thing they do when they try to look for money is set up a class war. All things have to start with a moral prerogative: we must find evil people—evil, wicked people—and who is evil and wicked? Well, they are not people who are before ICAC. They are actually rich people; rich people are evil people and need to be dealt with. So we have the Prime Minister saying, 'Who will pursue proper Labor values?' Well, these must be proper Labor values. They are obviously going to go and just flog the money out of people's super. It is as simple as that.

Of course, all of this works so well! They had the metaphor at the start of the mining tax. They were saying, 'Oh, well, the mining tax will pay for the superannuation increase.' The inference there is that small businesses—miners, farmers, butchers, bakers—will not have to worry about paying the increment from nine per cent to 12 per cent; the government will pay it. But of course, the government are not paying it. The employer is paying it. The government are just booking the tax deduction as they are saving. But now the government—it is so sneaky—are saying, 'Well, you guys pay an extra three per cent on top of your nine per
cent to get to 12 per cent and what we will do is rip it out of them on the way out! If you follow the path of the Labor government ripping the money out of the superannuation on the way out and the small business employer having to put more in on the front end, all they are really doing is taxing small business. It is just another way to rip money out of business. And, of course, if everybody puts their money into super, they are going to say, 'Watch this crowd; they are running out of money.' This is step 1.

Who are the rich people? Apparently they are people with $1 million in super—how evil! You live off about nine per cent of it, so $90,000 per year is what you would be retiring on.

Senator Ian Macdonald: Five per cent.

Senator Joyce: Five per cent? Fifty thousand dollars! Evil, wicked people—wealthy people—on $50,000 per year! They must be punished, and the Labor Party are coming out to punish them!

Senator Mark Bishop (Western Australia) (15:39): I just want to make three observations in the few minutes that are allocated to me in this debate: firstly, the long and proud record that the labour movement and the government have in the whole field of superannuation; secondly, how we are improving the superannuation system going forward over the next few years; and then, if time remains, just a few pertinent observations as to what is the real policy of the opposition, as expressed by the Leader of the Opposition consistently over a period of some 25 to 35 years—almost his entire time in public life.

I vividly recall the creation of the modern superannuation system in this place. I was an official of a trade union working in Western Australia at the time, and the trade union movement agreed to forgo a wage rise of three per cent that was about to be awarded by the then Conciliation and Arbitration Commission. We determined that it would be more appropriate if the pension system, which was then breaking down, were altered and superannuation, over time, were funded by the workforce so that, when people came to retire, they did not have to benefit only from a relatively miserable pension contribution but rather had a full and adequate retirement funded by themselves through the superannuation system over their working life of 25 to 40 years.

For the period of the mid-eighties through until 1996 or thereabouts, superannuation contributions were greatly increased, from zero to three to up to nine per cent, and that was a halfway house, if you like, in terms of finding sufficient funds to eventually fund retirement for all workers in this country. In the period after the demise of the Hawke and Keating governments, from 1996 through to 2007, there was no change and some of the great gains that had been made—the accumulation of savings, the vesting of savings and the creation of a worthwhile system that would last hundreds of years—did not go into free fall but remained steady.

With the current government we introduced additional changes to the superannuation guarantee levy to increase it from nine per cent to 12 per cent over the next six or seven years. The effect of that will be to boost the retirement savings of 8.4 million Australian—to increase superannuation savings by $85 billion over the period of the next 10 years and by $500 billion by 2035—and, for all of those who are currently in the workforce or starting out in the workforce, to add $108,000 in net present value terms to the retirement superannuation balance of an average 30-year-old worker.

One step yet remains to be taken, but 12 per cent funded by employers going forward...
will essentially fund the retirement benefits of all Australians for the remainder of this century. We say without shame that it is a remarkable achievement, and there is no other effort that the labour movement, the trade union movement and the government have made in this last generation—the last 25 to 30 years—that has been as well received and as beneficial as to cement in a properly and fully funded retirement system, paid in cash upon retirement to every worker in this country when he or she comes to retire. There is no equivocation, no downside—the money goes in every month out of a worker's pay packet. It goes into a registered fund, it accumulates interest paid on market rates from year to year and when everyone in this room comes to retire at the age of 55, 60 or 65—whatever it is—they will have a retirement system that is paid for and funded and allows them not to live in 'frugal comfort'—to refer to another wages system—but to live a full and adequate life with a decent, well-paid, well-funded retirement benefit built from the mid-eighties through the nineties and, right now, up to 2020. It is nothing to be ashamed of; we should all be greatly proud of that development, because not only does it protect individual—

**Senator RONALDSON (Victoria)** (15:44): I am indebted to my colleague Senator Cormann for providing me with a copy of a press release from the former Prime Minister, Kevin Rudd, and the Treasurer, Mr Wayne Swan, on 2 May 2010. That document said:

> The Government also reaffirms that it will never—

and I emphasise the word 'never'—

> remove tax-free superannuation payments for the over 60s.

That of course prompted the question from Senator Cormann, which I will repeat:

Does the government intend to keep its solemn promise made to Australians saving for their retirement through superannuation before the 2010 election that it would 'never remove tax-free superannuation payments for the over-60s'?

This question was asked of the third most senior person in the parliamentary system in this country and Senator Conroy, despite having significant L-plates on, is still obliged to give an open, frank and honest answer to this quite direct question from Senator Cormann. That answer was not given and on that basis those over 60 can assume that this government will indeed break a solemn promise.

It is not the only solemn promise of course that they have broken in relation to superannuation, and I refer to the indexation of military superannuation. Before the 2007 election there was a commitment for a review and a commitment to a review which would address the indexation issue. That is not me making that claim today. Indeed, I will read from a letter dated 14 September 2009, signed by Senator Kate Lundy, who was still in this place and is now Minister Lundy, and signed by Mike Kelly, member for Eden-Monaro, who is now of course a minister. In that letter to the former finance minister, Lindsay Tanner, they made it quite clear that the Australian Labor Party had broken a promise to military superannuants before the last election that they would address the indexation issue. Here is some of what they said in that letter. It said:

> Significantly, many people genuinely believed that prior to the 2007 election, the ALP had committed to determining a 'fairer' method of indexation, and 'a review' would provide the direction, so the immediate acceptance of the recommendations of no change in the Government response—

that is to the Matthews review—

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**CHAMBER**
is being seen as a reversal of the pre-election position espoused by the ALP in campaign material.

Their words, not mine—‘in campaign material’! They went on and talked about other aspects of the Matthews review. They said there were two questions that they wanted clarified. On page 2, at (b) they said:

The Government, despite honouring the election commitment to conduct a review per se, has abandoned the spirit of the election commitment to a review that would address the inadequacy and inequity of the indexation method which has not kept up with the cost of living for Australian Government civilian and defence force pensions.

We respectfully request you respond to both of these points and clarify the Government’s stance, particularly since correspondence issued during the election enthusiastically pressed the point of finding a fairer method of indexation through the process of review.

Not only have we heard from military superannuants around this country, who are quite rightly appalled at their treatment; we now know that there was another broken promise in relation to superannuation for military superannuants from this Labor government. When we heard today the non-response from Senator Conroy in relation to a quite direct question, a very direct question, from Senator Cormann whether indeed they would keep their commitment as promised by Wayne Swan— (Time expired)

Senator URQUHART (Tasmania) (15:49): I rise to take note of the answers to questions without notice today on this Labor government’s superannuation reforms. It is fantastic that those opposite have actually raised superannuation as it is one of Labor’s greatest achievements, but it is an achievement that those opposite only ever want to talk down. As Senator Conroy said earlier in the chamber, we are the champions of superannuation. Those opposite seek to create fear in the community about the superannuation system, a system that they see simply as a burden on business. In fact, it was this vital reform that was implemented in the 1990s that enabled working Australians to have enough money to enjoy a decent retirement, and, as our population gets older, ensuring a fair and proper superannuation system is vital.

That is why this government has implemented a range of reforms to the superannuation system over the past five years. At the centre of these is a commitment to increase the guarantee from nine per cent to 12 per cent over the coming years. Given life expectancy is increasing and retirement is more an experience of decades rather than a few years, as it used to be, we all know that nine per cent superannuation is simply not enough now. This is especially the case for women who have child-raising breaks in their career and have a longer life expectancy than men.

In the early 1990s the very idea of compulsory superannuation was denounced by the opposition and the business lobby as a ‘company killer’. They said that unemployment would rise and that the economy would be damaged—all wrong of course. In fact, during those years nine per cent superannuation was introduced, unemployment fell, productivity was higher and more small businesses were started. We now see that further increases to this base guarantee are needed.

This will be staggered in over the coming years in small increments that enable businesses to prepare for these increases. One reform from the past few years that I am particularly proud of is Labor’s low-income security superannuation contribution. This measure, valued at $1 billion a year, gives each Australian worker who earns up to $37,000 a contribution from the government of up to $500. This benefits 3.6 million
Australian workers, of whom 2.1 million are women and many of whom are working part-time. This reform provides a much needed boost to the retirement savings of Australia's lowest paid. And what would those opposite do with this reform? Well, of course they would scrap it, throwing over 3½ million Australians on to the scrap heap. On one hand, we have Labor seeking to make Australia a fairer place by seeking to ensure that Australians have decent retirement savings, and those opposite are more concerned about the big end of town.

We also have our MySuper reforms which we have been moving through this place over the last number of years. These reforms are seeking to make superannuation simpler and fairer for all Australians. MySuper is a new low-cost superannuation product that replaces existing default funds. It will begin to be offered from 1 July this year. Importantly, MySuper has new features that existing default funds do not have such as standardised disclosure of costs, fees, risks and returns, making comparisons easier; a ban on the payment of sales commissions and entry fees; and new standards for the payment of performance fees to fund managers. We have introduced this reform because superannuation funds do not send monthly bills. It does not mean that superannuation funds are not a significant family bill, just like any other. Every dollar that is saved in superannuation fees directly boosts their retirement savings, helping them to enjoy a comfortable retirement.

MySuper will save millions of Australians hundreds of dollars a year in fees by making it easier to compare funds to get the best value; by banning certain fees, such as entry fees and sales commissions; and by increasing the duties on superannuation trustees to make sure that they operate cost effectively. Together, these will exert downward pressure on fees and charges that, over a lifetime, will see an average Australian worker over $40,000 better off. Considering how much an average Australian needs per year to live on in retirement, $40,000 will go a long way to making the retirement of millions of Australians more comfortable.

Labor is incredibly proud of this nation's superannuation system. It is our desire to continually seek to improve it for the benefit of all working Australians. It is something that over the last 30-odd years, Labor has been proud to introduce to Australian workers.

Senator SINODINOS (New South Wales) (15:54): Thank you, Mr Deputy President. You look very much at home in the chair. I take as my text something taken from Senator Cormann's question earlier today about the promise made by this government to Australian super savers before the 2010 election, that it would never remove tax-free superannuation payments for the over 60s. One of the proudest boasts of the Howard government was the fact that we took tax off super for the over 60s in—I think—the 2006 budget. It was a great measure. I particularly liked it because it was very easy to sell, because you are taking a whole tax off. People could understand this very, very clearly. They understood that if they undertook the effort to save, there would be recognition by the government and, at the end of the day, they would get their savings—their nest egg—and it would be tax-free. They had certainty about what they were getting and they could plan accordingly and get on with their lives—very, very important.

Superannuation is very much about the long term. It is not a plaything of the parliament. It is not about the parliament saying, every year or so: 'We've got a problem. Where do we look for a bit more
money? Let's look at super again.' We have been doing this for too long. There have been too many changes to super over too many years. When you talk to the industry and people out there they say, 'We're sick and tired of the tinkering'. Now we have a situation where the government are seeding speculation that they may be about to tax superannuation for high-income earners. But the problem is this: they are not talking about taxing just Gina Rinehart or James Packer. They are talking about nest eggs of around $800,000 to $1 million, which provide a pension of about $50,000 a year if you use an investment rate of around five per cent. These are not high income sums that we are talking about. There are many medium-income people and aspirational Australians in that category.

If this is meant to be a class war, it is a class war by Labor on middle Australians, not just on high-income earners and people with big boats and yachts who travel to the island of Jersey and all those other interesting places where you can set up tax havens. This is ordinary Australians that we are talking about, who have put away a bit. Maybe they have had a small business and they have worked all their lives, they have put up with everything, they have met the payroll every week, they have put their house on the line. They come to the end of their time in business, they roll over their assets and, lo and behold, they get hit. That is the recognition they get for all the hard work. That is the recognition they get for all the regulations they had to put up with. That is the recognition they get for all that government puts on them in terms of various laws, rules, and so on and so forth. That is not good enough for our fellow Australians.

Paul Kelly, in an article today, talks about superannuation. He says: Labor creates more uncertainty and invites retaliation by putting superannuation benefits on the table for cutting, thereby setting the scene for three months of pre-budget fear and confusion. How on earth does this help Labor's economic standing?

Indeed, how does it help Labor's economic standing? Labor says it is committed to national savings. Labor has not been able to achieve a budget surplus since coming to power. Labor is now tinkering with super. We are not just talking about public savings, we are talking about private savings being affected by measures that Labor wants to take. There does have to be a better way. The very industry super funds which have been set up by the trade union movement should be out there telling the Labor government this is not the way right way to go, because it undermines confidence in all super. But Labor is bent on a class war. It wants to be able to say—in the name of fairness—'We will fund Gonski education reforms, we will fund the National Disability Insurance Scheme and you, the high-income earners, as defined by us, the government, will pay for it. You will have to put up with it, and if you do that we will win, because we think there are more low-income and middle-income people in Australia than there are high-income people.' Jim Cairns had the same idea; he could never understand why the working class could vote for a centre-right party. But the reason was very clear, because centre-right parties want to look after all aspirational Australians. And we will do so, if we are the government after 14 September. (Time expired)

Question agreed to.

Asylum Seekers

Senator HANSON-YOUNG (South Australia) (15:59): I move:

That the Senate take note of the answer given by the Minister for Sport (Senator Lundy) to a question without notice asked by Senator Hanson-Young today relating to detention centres.
Earlier today, during question time, I asked the minister some very serious questions about the conditions facing asylum seekers—refugees—including children, on Manus Island. Overnight we heard more horrific reports on the conditions within the detention centre on Nauru. These types of circumstances—these reports of the conditions of the facilities and the way people are being treated in these places—are very, very serious matters and yet, we heard no response from Senator Lundy today to the questions in relation to those conditions. All the minister wanted to do was to give the already-written brief on why this government supports offshore processing, rather than the conditions in those facilities that we now hear from the minister, very directly during question time, that the Australian government is responsible for.

When I visited Manus Island last week I was shocked at the conditions that these people were living in. When I was there—and the numbers have grown since, because there were more people taken to Manus Island in the few days since I left—there were 236 people, including 34 children aged between seven and 17. The living conditions are that the family groups live in small container blocks that have been converted into living quarters sheds. It was not until I arrived—that the day that I arrived—that they put doors on those rooms. Those people had been living in these facilities for over two months, and yet it was only on the day that I arrived that doors were put on the rooms that the families sleep in. I had stories from mothers who were thankful that we had arrived, because they said, 'Finally, I can get changed in my own room without having to ask my children to hold up a bed sheet.' They can have some privacy and dignity in changing their clothes each morning.

I walked through into the compound that holds the single adult males, and they were living in tents—quite small, green army tents. There are five men to each tent and no air conditioning. Obviously, Manus Island gets a lot of rain and the tent floor was only about three inches off the ground. When it rains their tents become flooded. In these tents the temperature hovers anywhere from 35 to 45 degrees. On the day that I was there it was pretty hot—it was about 35 degrees inside the tent. I said, 'This is pretty hot,' and they said, 'Oh, today is actually a cool day.'

I walked outside from where the tents are and the asylum seekers wanted me to see the bathroom facilities. There are no toilet doors on the men's toilets in this detention camp. Five men to each tent, no space and no ability to get outside—this is a closed, locked facility; this is a prison—and they cannot even go to the toilet in peace. They cannot even go to the toilet without guards watching them. How is that showing the dignity and respect that Minister Lundy tried to tell us here earlier this government is upholding?

There is a makeshift school for the children in this facility. It is two rooms in an old hangar shed from when the area at this detention centre was used as part of an army camp. There are no doors on that school and there is no air conditioning, and they are wondering why the children do not want to go to the makeshift school every day. It is because it is too hot. It is because they cannot sleep at night with no doors and no air conditioning in their cramped rooms. It is because they are terrified about why they had been detained in prison as children who have seen some pretty horrific scenes. This government has to start taking these conditions seriously and to clean them up. (Time expired)

Question agreed to.
NOTICES

Presentation

Senator Birmingham to move:
That the Environment and Communications References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 7 February 2013, from 1.10 pm.

Senator Cameron to move:
That the Environment and Communications Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 7 February 2013, from 1 pm.

Senator Heffernan to move:
That the time for the presentation of reports of the Rural and Regional Affairs and Transport References Committee be extended as follows:
(a) an aviation accident investigation— to 27 March 2013; and
(b) Foreign Investment Review Board national interest test— to 19 June 2013.

Senators Cash and Kroger to move:
That the Senate—
(a) notes that:
(i) Wednesday, 6 February 2013 marks the International Day of Zero Tolerance to Female Genital Mutilation,
(ii) the day has been designated by the United Nations to raise awareness amongst the general public about this practice which violates the human rights of women and girls, and
(iii) the World Health Organization in 2013 will place a special focus on ‘the troubling trend of health-care providers increasingly being the ones performing female genital mutilation, thereby contributing to legitimize and maintain the practice’;
(b) recognises that female genital mutilation in Australia is prohibited by specific legislation in every jurisdiction; and
(c) supports and encourages steps taken by the international community to eliminate the practice of female genital mutilation.

Senator Ludlam to move:
That there be laid on the table by the Minister representing the Minister for Infrastructure and Transport, by noon on Monday, 25 February 2013, submissions provided to Infrastructure Australia by the Western Australian Government for light rail and related public transport infrastructure development projects.

Senators Kroger and Humphries to move:
That the Senate—
(a) notes the devastating bushfires that swept through parts of Portland, Creswick, the Gippsland and Alpine regions of Victoria in January 2013;
(b) acknowledges the determined efforts of Country Fire Authority personnel and firefighters, who sought to save as many properties as possible;
(c) recognises the efforts of Victorian Country Fire Authority personnel, who travelled to Tasmania to assist with the devastating fires surrounding Hobart; and
(d) notes:
(i) the tragic death of Victorian firefighter, Mr Peter Cramer, who lost his life while controlling fires on the Tasman Peninsula, and
(ii) the importance of the Country Fire Authority’s social media sites in providing regular updates to citizens at risk.

Senator Wright to move:
That there be laid on the table by the Minister representing the Attorney-General, by noon on 25 February 2013, the following:
(a) results and findings of the review conducted in 2011 by the Attorney-General’s Department in relation to 2010 increases in court filing fees; and
(b) a list of stakeholders that were consulted as part of the review by the Attorney-General’s Department into 2010 increases in court filing fees.

Senator Colbeck to move:
That the Senate—
(a) recognises and supports the need for fuel reduction burns as an important management
strategy aiding in the protection of communities, businesses and natural resources from bushfires; and

(b) recognises the role fire has in the sustainability of the ecology, regeneration and sustainability of a significant proportion of the Australian landscape.

Senator Di Natale to move:

That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 28 February 2013:

Implementation of the National Health Reform Agreement with regard to recently announced reductions by the Commonwealth of National Health Reform funding for state hospital services, in particular:

(a) the impact on patient care and services of the funding shortfalls;
(b) the timing of the changes as they relate to hospital budgets and planning;
(c) the fairness and appropriateness of the agreed funding model, including parameters set by the Treasury (including population estimates and health inflation); and
(d) other matters pertaining to the reduction by the Commonwealth of National Health Reform funding and the National Health Reform Agreement.

Senator Fifield to move:

That the Senate notes the failure of the Gillard Government to live within its means or to develop a coherent fiscal strategy.

Senator Di Natale to move:

That the following matter be referred to the Joint Select Committee on Gambling Reform for inquiry and report by 16 May 2013:

The advertising and promotion of gambling services in sport, including:

(a) in-ground and broadcast advertising;
(b) the role of sponsorship alongside traditional forms of advertising;
(c) in-game promotion and the integration of gambling into commentary and coverage;
(d) exposure to, and influence on, children;
(e) contribution to the prevalence of problem gambling;
(f) effect on the integrity of, and public attitudes to, sport; and
(g) any related matters.

Senator Whish-Wilson to move:

That the following bill be introduced: A Bill for an Act to define the roles and responsibilities of the Federal Small Business Commissioner, and for related purposes. Small Business Commissioner Bill 2013.

Senator Hanson-Young to move:

That the following bill be introduced: A Bill for an Act to amend the Marriage Act 1961 to create the opportunity for marriage equality for people regardless of their sex, sexual orientation or gender identity, and for related purposes. Marriage Equality Amendment Bill 2013.

Senator Hanson-Young to move:

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

Senators Rhiannon and Moore to move:

That the Senate—

(a) notes:

(i) with deep concern that throughout the world and in Australia, one in three women will experience violence such as beating, rape or assault in their lifetime,
(ii) that violence against women affects the human rights of over one half of the world’s population,
(iii) the World Bank estimates that gender-based violence is as serious a cause of death and incapacity among women of reproductive age as cancer and a greater cause of ill health than traffic accidents and malaria combined,
(iv) the Australian Government's National Plan to Reduce Violence against Women and their Children 2010—2022 has delivered a strong focus on primary prevention and attitudinal change in order to prevent violence against women, including investment of over $30 million in programs that target different groups within the
community to influence attitudes and behaviours in order to prevent violence against women,

(v) the Government has created a 1800RESPECT national telephone and online professional counselling service for victims of domestic, family and sexual violence and for their family, friends and people working with them, and

(vi) that 14 February 2013 is the 15th anniversary of V-Day, a peaceful global event by One Billion Rising protesting violence against women;
(b) condemns all forms of violence against women; and
(c) encourages organisations and individuals to mark the 15th anniversary of V-Day on 14 February 2013 by calling for an end to violence against women with suitable events such as flashmob dancing, or other peaceful means.

Senator Hanson-Young to move:
That the Senate calls on the Government to:
(a) facilitate media access to the detention camps in Nauru and Manus Island to provide for transparency and public accountability about the conditions inside the camps;
(b) lift the current ban on photographs and footage of the detention facilities; and
(c) allow consenting asylum seekers and refugees within the facilities to speak freely to media agencies and journalists.

Senator Siewert to move:
That the resolution of the Senate of 20 September 2012, relating to the terms of reference of the Community Affairs References Committee on the sterilisation of people with disabilities, be amended as follows:
At the end of the motion, add:
(2) Current practices and policies relating to the involuntary or coerced sterilisation of intersex people, including:
(a) sexual health and reproductive issues; and
(b) the impacts on intersex people.

Senators Xenophon and Madigan to move:
That the following matters be referred to the Community Affairs References Committee for inquiry and report by 21 March 2013:
(a) the operation of the Pharmaceutical Benefits Scheme price disclosure mechanism;
(b) the effect of past price disclosure decisions and subsequent price reductions on the supply of chemotherapy drugs such as Docetaxel, particularly in relation to:
(i) patient access to treatment,
(ii) cost to pharmacists and suppliers, and
(iii) cost to the private and public hospital systems;
(c) the effect of future price disclosure decisions and subsequent price reductions on the supply of chemotherapy drugs, particularly in relation to patient access to treatment; and
(d) any related matters.

Senator Hanson-Young to move:
That the Senate congratulates the Prime Minister of the United Kingdom, the Right Honourable Mr David Cameron MP, for his leadership in passing historic marriage equality legislation through the House of Commons.

COMMITTEES

Rural and Regional Affairs and
Transport References Committee

Reporting Date

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (16:05): by leave—I move:
That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on the management of the Murray-Darling Basin be extended to 13 March 2013.
Question agreed to.

NOTICES

Withdrawal

Senator CORMANN (Western Australia) (16:06): I ask that general business notice of motion No. 1092 standing in my name for today related to revenue collected from the
minerals resource rent tax be withdrawn, and I seek leave to make a two-minute statement in relation to this matter.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator CORMANN: They say imitation is the sincerest form of flattery. The Greens submitted a motion to the Senate to force the release of information about actual MRRT revenue collected, which was essentially a carbon copy of our motion which we had sent to them as a courtesy two weeks ago. There are only two minor differences between our motion and the Greens' motion on MRRT revenue information. They do not impact on our overarching objective to force the public release of the information about how much or how little the MRRT specifically has raised. One is the date by which the information has to be provided to the Senate Economics References Committee. The date in the Greens' motion is 15 February, whereas in ours it is eight days earlier. It means that we will not have the information available for scrutiny in Senate estimates. But we have now waited for more than 2½ years for information, so we are happy to wait for another eight days.

The second difference is that the Greens have added a proviso that the release does not breach confidentiality of a natural person. That is of course not a concern for us either. We welcome that the Greens have finally come on board with our longstanding efforts to force the release of mining tax revenue to the Senate. The date in the Greens' motion is 15 February, whereas in ours it is eight days earlier. It means that we will not have the information available for scrutiny in Senate estimates. But we have now waited for more than 2½ years for information, so we are happy to wait for another eight days.

The intent of that motion was to invite Senator Bernardi to provide information to the Senate to ensure that he gave an explanation for the apparent conflict of interest with his position as Chair of the Senators' Interests Committee. I am satisfied that he has provided that explanation to the Senate this morning in response to that motion, so the motion is now withdrawn.

BILLS

Australian Sports Anti-Doping Authority Amendment Bill 2013

First Reading

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (16:09): I move:

That the following bill be introduced: A Bill for an Act to amend the Australian Sports Anti-
Doping Authority Act 2006, and for related purposes.

Question agreed to.

Senator JACINTA COLLINS: 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 JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (16:10): I present the explanatory memorandum and I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Australian Sports Anti-Doping Authority Amendment Bill 2013 will strengthen Australia's anti-doping regime and in particular ensure the Australian Sports Anti-Doping Authority (ASADA) is better equipped to effectively detect and address doping in sport.

The recent Review of Cycling Australia conducted by the Hon James Wood AO QC has demonstrated that there is still plenty of work to be done in the ongoing effort to address the challenges of doping in sport.

This bill I introduce today responds to the recommendations contained in Mr Wood's Report, but it goes further, reflecting the Governments strong stance against doping in sport.

Australians recognise that sport plays a critical role in improving health, building communities and promoting important life values such as fairness, ethical behaviour, teamwork and determination.

With such attributes ingrained in the Australian sporting psyche, the Australian public expects our sporting champions to achieve success through their ability and dedication rather than artificially through the use of performance enhancing substances.

Intense media speculation around recent revelations of systemic doping in international cycling have unfortunately highlighted that public confidence in sport can be easily undermined by actions that bring into question the integrity of sport.

Doping offences have traditionally been detected through the testing of blood and urine samples to identify the presence of a banned substance. The latest revelations in cycling have demonstrated that doping can be well organised and systemic in parallel with existing comprehensive testing regimes. With doping becoming increasingly sophisticated, it is less likely that anti-doping rule violations will be detected through analytical testing means alone.

It is also the case that a number of the behaviours which constitute an anti-doping rule violation in the World Anti-Doping Code can only be detected and substantiated through non-analytical means, that is through investigations and the collection of evidence.

- While testing athletes to detect the use of prohibited substances will remain a valuable and fundamental means of addressing doping in sport, increasingly anti-doping organisations will need to have the capacity to undertake effective investigations and intelligence gathering activities. Testing will of course continue to be an important tool in the conduct of these investigations and intelligence gathering activities.

- The United States Anti-Doping Agency (USADA) was only able to establish the case against the US Postal Service team, including Lance Armstrong, because it had collected sufficient evidence through its non-analytical investigation activities. USADA was able to collect sworn testimony from 26 people and gain access to documentary evidence that included financial payments, emails, scientific data and laboratory test results.

ASADA already operates a detection program in Australia where a significant proportion of
anti-doping rule violations are identified through an integrated strategy of testing, investigations and intelligence gathering.

This proportion has been growing, however, ASADA currently has no power to require somebody to attend an interview or produce documents and must rely on their cooperation to participate or even turn up for an interview. This means that athletes and their support personnel under suspicion have little incentive to assist ASADA in their investigations or intelligence gathering activities.

The absence of such powers limits the capacity of ASADA to investigate allegations and suspicions of doping. This bill will provide ASADA with a power, subject to appropriate protections, to compel persons to attend an interview with an investigator nominated by the ASADA Chief Executive Officer and to produce information or documents relevant to any inquiry that it is conducting under the National Anti-Doping Scheme which outlines the relevant procedures prescribed in the ASADA regulations.

Furthermore, this bill provides for the National Anti-Doping Scheme to authorise the ASADA Chief Executive Officer (CEO) to issue a disclosure notice requiring a specified person to attend interviews with ASADA investigators; and/or provide documents or things that are needed in order to administer the Scheme. While it is expected that most disclosure notices will be for an interview, the ASADA CEO would also have the authority to request any type of document or thing that would help ASADA in its work.

Importantly, a disclosure notice can go to anyone; not just athletes or their support personnel. This recognises that people outside the jurisdiction of Australia's anti-doping regime may have information that would assist ASADA to identify and sanction those who commit anti-doping rule violations.

Failure to comply with a disclosure notice would render the person subject to a civil penalty. A maximum civil penalty of 30 penalty units ($5,100) would apply for failing to comply with a disclosure notice. The proposed amendments will also provide for the establishment of an infringement notice scheme in the regulations. This scheme will allow a person who is alleged to have contravened the requirements of a disclosure notice to pay a fine as an alternative to civil proceedings against them in a court. The maximum penalty that can be imposed for such an infringement would be $1020.

I have also asked ASADA and the National Integrity in Sport Unit within the Office for Sport to work with our national sporting organisations to amend their Codes of Conduct and/or anti-doping policies so that all athletes and their support personnel are required to co-operate with an ASADA investigation. National sporting organisations will be required to apply an appropriately strong sanction (such as significant periods of ineligibility) for those who fail to do so.

While ASADA needs to be able to properly investigate possible breaches of anti-doping rules, it is also important that the rights of athletes are adequately protected. Under the proposed amendments, the ASADA CEO can only issue a disclosure notice if they have reasonable belief that a person has information, documents or things that may be relevant to the administration of the NAD scheme. In other words, the CEO cannot issue a disclosure notice unless there is an apparent need to do so.

Another protection is the inclusion of 'use' and 'derivative use' immunities in the bill. While someone will be required to co-operate with ASADA, any information gathered through the issuing of a disclosure notice will be inadmissible as evidence against the person in a criminal proceeding, unless the person provides false or misleading information. Evidence will also be exempt from use in a civil proceeding except those proceedings arising from the Australian Sports Anti-Doping Authority Act 2006 or regulations made under the Act.

A key strength of ASADA's investigative and intelligence gathering function has been the current information sharing arrangements that exist with Australian law enforcement agencies and other regulatory authorities such as the Australian Customs and Border Protection Service; and the Therapeutic Goods Administration. Co-operation between such agencies has contributed significantly to the
identification of many more doping offences than what may otherwise have been the case.

It is proposed to build on these relationships by amending the *Australian Postal Corporation Act 1979* to facilitate the sharing of information between ASADA and Australia Post. In cases where ASADA is aware that substances prohibited under our anti-doping arrangements are being sent to a post office box, Australia Post can assist ASADA by confirming to whom the package has been sent.

The bill also targets the operation of the Anti-Doping Rule Violation Panel. The Panel’s current role is to review the evidence that ASADA presents to it and determine whether a possible anti-doping rule violation has been committed. Until now, the Panel would also make a recommendation to the national sporting organisation as to the length period of ineligibility for a violation. The national sporting organisation would, using the process specified in its anti-doping policy, then make a decision on the violation.

Under this arrangement however, athletes and support personnel accused of committing an anti-doping rule violation often opt to withhold the information that may justify a lesser sanction from the Panel and present this information at the relevant tribunal convened to hear the matter. In other words, athletes would prefer to "keep their powder dry" until the hearing is conducted.

Given that the Panel is not being presented with full information when making recommendations on the length of a sanction its capacity to add value to the process is compromised. Therefore it is proposed that the Panel cease this role. The Panel would be left to confirm that an anti-doping violation has possibly occurred but each sport would be left to directly determine sanctions in accordance with the provisions laid out in the World Anti-Doping Code and its anti-doping policy.

To still provide the sport with assistance, it is also proposed that the ASADA CEO be authorised to engage with sports directly on the issue of sanctions, based on providing information relevant to the particular case. To maintain the integrity of this process, ASADA has the right to appeal to the Court of Arbitration for Sport if it does not agree with the sanction imposed by the sport.

The bill will also clarify the conflict of interest provisions within the Act in relation to the Panel and the Australian Sports Drug Medical Advisory Committee.

Finally, the bill provides clarity that the eight-year statute of limitations specified in the World Anti-Doping Code applies in Australia’s anti-doping arrangements. Action against a person with regards to a possible doping offence must commence within eight years of the date the offence was alleged to have occurred.

Sport has many levels of involvement. Whether it is the person playing in the local competition, the person supporting their favourite team, the person training for the next international competition or the thousands of people employed in sporting businesses that deliver products and services around the world, sport touches us all. The very essence of sport is that it promotes important life values such as fair play, determination, teamwork and friendship.

Sport has the capacity to improve lives, build communities and empower the marginalised in society.

Doping merely serves to undermine the integrity of sport and compromise the contribution that sport can make to society.

The message is clear: with these amendments, athletes and support persons who are involved in doping have a greater chance of being caught. People will have no option but to assist ASADA in undertaking its' investigations and intelligence activities.

I am sure that, for the thousands of athletes and support persons who compete in sporting events based on their own ability and training, this will not be a problem.

I commend the bill to the Senate.

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

Environment and Communications References Committee

Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (16:11): At the request of the Chair of the Senate Environment and Communications References Committee, Senator Birmingham, I move:

That the time for the presentation of the report of the Environment and Communications References Committee on the protection of Australia's threatened species and ecological communities be extended to 15 May 2013.

Question agreed to.

Economics Legislation Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (16:11): At the request of the Chair of the Senate Economics Legislation Committee, Senator Bishop, I move:

That the Economics Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 7 February 2013, from 3.30 pm.

Question agreed to.

Public Accounts and Audit Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (16:11): At the request of Senator Bishop, I move:

That the Joint Committee of Public Accounts and Audit:
(a) be authorised to meet on Wednesday, 13 March 2013, as follows:
(i) to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate from 11 am, and
(ii) to hold public meetings during the sitting of the Senate from 11.15 am; and
(b) be authorised to meet on Wednesday, 20 March 2013, as follows:
(i) to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate from 11 am, followed by private briefings, and
(ii) to hold a public meeting during the sitting of the Senate from 11.45 am.

Question agreed to.

Corporations and Financial Services Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (16:11): At the request of the Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services, Senator Boyce, 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, from 10 am to 11 am, as follows:
(a) Thursday, 7 February 2013; and
(b) Thursday, 14 March 2013.

Question agreed to.
the committee's inquiry into family business in Australia.

Question agreed to.

**Law Enforcement Committee**

**Meeting**

Senator McEWEN (South Australia—Government Whip in the Senate) (16:11): At the request of the Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity, Senator Cash, I move:

That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate, from 11 am, as follows:

(a) Thursday, 7 February 2013; and

(b) Thursday, 14 March 2013.

Question agreed to.

**Legal and Constitutional Affairs Legislation Committee**

**Meeting**

Senator McEWEN (South Australia—Government Whip in the Senate) (16:11): At the request of the Chair of the Senate Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I move:

That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 7 February 2013, from 4 pm, to take evidence for the committee's inquiry into the provisions of the Crimes Legislation Amendment (Organised Crime and Other Measures) Bill 2012.

Question agreed to.

**Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples Committee**

**Meeting**

Senator McEWEN (South Australia—Government Whip in the Senate) (16:11): At the request of the Chair of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, Senator Crossin, I move:

That the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 7 February 2013, from 9.30 am.

Question agreed to.

**Law Enforcement Committee**

**Meeting**

Senator McEWEN (South Australia—Government Whip in the Senate) (16:11): At the request of the Deputy Chair of the Parliamentary Joint Committee on Law Enforcement, Senator Nash, I move:

That the Parliamentary Joint Committee on Law Enforcement be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate, from 5.30 pm, as follows:

(a) Wednesday, 6 February 2013; and

(b) Wednesday, 13 March 2013.

Question agreed to.

**Community Affairs Legislation Committee**

**Meeting**

Senator McEWEN (South Australia—Government Whip in the Senate) (16:11): At the request of the Chair of the Community Affairs Legislation Committee, Senator
Moore, and the Chair of the Community Affairs References Committee, Senator Siewert, I move:

That the Community Affairs Legislation Committee and the Community Affairs References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 12.35 pm, as follows:

(a) Tuesday, 26 February 2013; and
(b) Tuesday, 12 March 2013.

Question agreed to.

Finance and Public Administration References Committee

Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (16:11): At the request of the Chair of the Senate Finance and Public Administration References Committee, Senator Ryan, I move:

That the time for the presentation of the report of the Finance and Public Administration References Committee on the implementation of the 1999 recommendations of the Joint Expert Technical Advisory Committee on Antibiotic Resistance be extended to 10 May 2013.

Question agreed to.

DOCUMENTS

Minerals Resource Rent Tax

Order for the Production of Documents

Senator CORMANN (Western Australia) (16:11): I move:

That there be laid on the table by the Minister representing the Treasurer, by no later than noon on 7 February 2013, a copy of any advice concerning the release of data about revenue collected from the Minerals Resource Rent Tax, including, but not limited to, advice from the Australian Taxation Office, the Department of the Treasury and the Australian Government Solicitor.

Question agreed to.

Board of Taxation

Order for the Production of Documents

Senator CORMANN (Western Australia) (16:12): I move:

That the Senate—

(a) notes That the Government has not released the Board of Taxation's review of the tax arrangements applying to Collective Investment Vehicles, which the Board provided to the Assistant Treasurer in December 2011; and

(b) orders that the full report be laid on the table by 5 pm on Monday, 25 February 2013.

Question agreed to.

MOTIONS

Whitehaven Coal

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (16:12): I move:

That the Senate—

(a) notes:

(i) the disruption to stock market trading caused by a media release which falsely purported to announce the withdrawal of a $1.2 billion loan facility to Whitehaven Coal by the ANZ Bank,

(ii) the impersonation of an ANZ Bank officer designed to further this hoax,

(iii) the tendency of such deceptions to undermine confidence in Australia’s stock market,

(iv) various endorsements of these deceptions, and

(v) that such endorsements are inconsistent with concepts of economic responsibility, participatory democracy, efforts to enforce standards of media reporting and the rule of law; and

(b) rejects attempts to justify these deceptions with the notion of virtuous malfeasance.

Senator MILNE (Tasmania—Leader of the Australian Greens) (16:13): Mr Deputy President, I seek leave to make a short statement.
The DEPUTY PRESIDENT: Leave is granted for one minute, Senator Milne.

Senator MILNE: We have a long and proud history in Australia of non-violent direct action and it usually happens when communities fail to have their concerns assessed fairly or when environmental compliance under state and federal laws is not upheld. Senator Abetz and the National Party have never listened to the community impacted by Whitehaven Coal's proposed Maules Creek Mine and they still aren't.

Senator Abetz refuses to recognise the serious discrepancies between Whitehaven Coal's claims about compliance and evidence that they are providing false and misleading information to obtain an approval under federal law. The Greens do not encourage people or companies to break the law and we believe neither are above the law. We believe the law should be applied with equal vigour when considering the actions of Jonathon Moylan and Whitehaven Coal. It is for that reason we urge Minister Burke to uphold the EPBC Act and this motion fails to take all this into context and we will be opposing it.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (16:14): Mr Deputy President, I seek leave to speak for one minute.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator ABETZ: I thank the Senate. What we have just heard from the Leader of the Australian Greens indicates that they do believe that the end justifies the means, that they are willing to give succour and support to those who have engaged in a hoax that saw millions of dollars wiped off the shareholding. There is an old saying that 'two wrongs do not make a right' and just because you see an injustice it does not justify the committing of another injustice and a potential illegality. Just at a time when we thought, courtesy of the Deputy Leader of the Australian Greens, that the Greens were starting to become economically responsible, we have the Australian Greens in effect endorsing this. Can I compliment—very rare I do this—Senator Hanson-Young and Senator Whish-Wilson of the Australian Greens, who have indicated their nonsupport for the hoax.

Question agreed to.

Access to Justice

Senator WRIGHT (South Australia) (16:16): I move:

That the Senate—

(a) recognises:

(i) research from early 2012 by the Australia Institute which revealed that approximately 500,000 Australians are missing out on essential legal services,
(ii) the 2012 Australian Council of Social Service Community Sector Survey that highlighted how community legal centres are struggling to meet demand, waiting lists are increasing and approximately 14 per cent of people who sought assistance in 2010-11 were turned away, and
(iii) recent research by the New South Wales Law and Justice Foundation which estimated that each year over 8 million people will experience a legal problem; and

(b) calls on the Government to respond to the current crisis in the legal assistance sector, and promote improved access to justice, by addressing:

(i) the high cost of legal services,
(ii) increasing demand for legal assistance,
(iii) changes to legal aid eligibility, and
(iv) the impact of recent court fee increases on individuals and small businesses.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and
Workplace Relations) (16:14): Mr Deputy President, I seek leave to make a brief statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator JACINTA COLLINS: Thank you. The Australian government has invested $1.5 billion in legal assistance programs in the last five years. The government is currently undertaking the first comprehensive national review of all Commonwealth funded legal assistance. The findings of the review will form an evidence base to guide future decisions on how best to deliver legal assistance programs to increase access to justice for all Australians.

Question agreed to.

Minerals Resource Rent Tax

Senator MILNE (Tasmania—Leader of the Australian Greens) (16:17): I move:

(a) notes that it is in the public interest to release the total amount of revenue raised from the Minerals Resource Rent Tax in order to provide confidence as to how the tax is playing out and the precise ways the revenue is collected; and

(b) orders the Commissioner of Taxation to provide to the Economics References Committee, by no later than 15 February 2013, details of the revenue collected from the Minerals Resource Rent Tax by the Australian Taxation Office since 1 July 2012, noting that the disclosure pertains to companies and does not breach the confidentiality of natural persons.

Notice of motion altered on 5 February 2013 pursuant to standing order 77.

Question agreed to.

Final Budget Outcome for 2012-13

Senator CORMANN (Western Australia) (16:18): I, and also on behalf of Senator Williams, move:

That the Senate calls on the Government to instruct Treasury to:

(a) expedite the completion of the Final Budget Outcome for 2012-13 as soon as practicable after the end of the financial year; and

(b) make the Final Budget Outcome for 2012-13 available for the Treasurer to release by 31 August 2013.

The PRESIDENT: The question is that the motion moved by Senators Cormann and Williams be agreed to.

The Senate divided. [16:22]

(1) Ayes .................30
(2) Noes .................34
(3) Majority ............4

AYES

Back, CJ (teller) 
Birmingham, SJ 
Bushby, DC 
Colbeck, R 
Edwards, S 
Fierravanti-Wells, C 
Heffernan, W 
Johnston, D 
Macdonald, ID 
Mason, B 
Nash, F 
Payne, MA 
Ruston, A 
Seullion, NG 
Williams, JR 

Bernardi, C 
Boyce, SK 
Cash, MC 
Cormann, M 
Fawcett, DJ 
Fifield, MP 
Humphries, G 
Kroger, H 
Madigan, JJ 
McKenzie, B 
Parry, S 
Ryalson, M 
Ryan, SM 
Smith, D 
Xenophon, N 

NOES

Bishop, TM 
Cameron, DN 
Collins, JMA 
Di Natale, R 
Farrell, D 
Furner, ML 
Hanson-Young, SC 
Ludlam, S 
Lundy, KA 
McEwen, A (teller) 
Milne, C 
Pratt, LC 
Siewert, R 
Stephens, U 
Thistlethwaite, M 
Urquhart, AE 
Whish-Wilson, PS 

Brown, CL 
Carr, KJ 
Crossin, P 
Evans, C 
Feeney, D 
Gallacher, AM 
Hogg, JJ 
Ludwig, JW 
Marshall, GM 
McLucas, J 
Moore, CM 
Rhiannon, L 
Singh, LM 
Sterle, G 
Thorp, LE 
Waters, LJ 
Wright, PL

CHAMBER
Question negatived.

Senator CORMANN (Western Australia) (16:25): I seek leave to make a brief statement.

The PRESIDENT: Leave is granted for one minute.

Senator CORMANN: The Labor-Green government has just voted against the transparent release of the final budget outcome for 2012-13 before the election in September. I guess that, in a way, we are not surprised, because this government does not think that people across Australia should know what the final budget outcome is for 2012-13 before they are asked to cast their ballot on 14 September. They are clearly embarrassed about the absolute mess that our Treasurer, Wayne Swan, has made of the budget. After $172 billion worth of accumulated deficits, we know that we are on track for yet another deficit this financial year. That is despite the Treasurer and the Prime Minister promising on more than 500 occasions that in 2012-13 they would be delivering a surplus. There was never going to be a surplus. This is a government that does not know how to manage money. People across Australia intuitively know that it always comes down to the coalition to fix Labor’s fiscal mess.

Tasmanian Wilderness World Heritage Area

Senator MILNE (Tasmania—Leader of the Australian Greens) (16:26): I move:

That the Senate supports the boundary extension for the Tasmanian Wilderness World Heritage Area as proposed to the United Nations Educational, Scientific and Cultural Organization World Heritage Committee for consideration in 2013.

Senator COLBECK (Tasmania) (16:26): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator COLBECK: The coalition does not support this motion, because it does not support the nomination to the World Heritage Committee process because of the absurd, fraudulent process through which this nomination has been made. That is demonstrated by the fact that this comes out of a so-called 'peace deal' that has been going through a process in Tasmania over the last two and a half years. Even in that process, the signatories thought that there were going to be 123,000 hectares nominated; there were 170,000 hectares nominated. The Legislative Council were told last Friday morning that there was a doubt as to whether the nomination would be made, and yet they were told in evidence yesterday that it was always going to be made. Tony Burke was always going to make this nomination regardless of whether the deal had gone through the Tasmanian parliament or not—it still has not. So the opposition does not support this motion, because it does not support the fraudulent process that put it in place in the first place.

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

The Senate divided. [16:29]

(The President—Senator Hogg)

Ayes ......................35
Noes .................29
Majority .............6

AYES

Bishop, TM Brown, CL
Cameron, DN Carr, KJ
AYES

Collins, JMA
Di Natale, R
Farrell, D
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
McEwen, A (teller)
Milne, C
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Whish-Wilson, PS
Xenophon, N

Crossin, P
Evans, C
Feeney, D
Gallacher, AM
Hogg, JI
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Rhiannon, L
Singh, LM
Sterle, G
Waters, LJ
Wright, PL

(i) the physical, emotional and financial stress and anxiety that single parent families who were affected by the parenting payment cuts have experienced over the past six weeks,

(ii) that those impacts are likely to be ongoing and long-lasting, and

(iii) That the timing of the implementation has put additional pressure on families, service providers and government agencies such as Centrelink;
and

(b) calls on the Government to take action to address the fact that more than one in six children in Australia already live in poverty and that the policy to shift more single parents to Newstart will result in further poverty.

Question negatived.

International Automatic Tax Information Exchange

Senator MILNE (Tasmania—Leader of the Australian Greens) (16:32): I move:

That the Senate—

(a) notes that offshore tax havens are a vehicle for international corruption with a current value of at least $21 trillion globally;
(b) supports the European Union Savings Directive, the United States of America, the OECD and all other countries working to implement a comprehensive international agreement of automatic tax information exchange between revenue agencies, so that a receiving country will immediately report to another country when its citizen or corporation has transferred assets or income into its jurisdiction;
(c) is highly critical of the 'Rubik Agreements' signed between Switzerland and the United Kingdom, and Switzerland and Germany, used to undermine international progress towards closing the loopholes in the current multilateral agreement; and
(d) urges the Government to work towards implementing a comprehensive global agreement on automatic tax information exchange.

Question negatived.
MATTERS OF PUBLIC IMPORTANCE

Renewable Energy

The DEPUTY PRESIDENT (16:33): I inform the Senate that, at 8.30 am today, Senators Cormann and Siewert each submitted a letter to the President 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 by the President from Senator Siewert:

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

The opportunity for Australian business and Government to lead the rapid growth and uptake of renewable energy, including utility-scale solar plants, a task made more urgent given recent World Bank predictions that we may be on a path to a 4°C warmer world by the end of the century.

Is the proposal supported?

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

The DEPUTY PRESIDENT: I understand that informal arrangements have been made to allocate specific times to each of the speakers in today's debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator MILNE (Tasmania—Leader of the Australian Greens) (16:34): I rise today to absolutely support the contention that there is now a huge opportunity for Australian business and government to lead the rapid growth and uptake of renewable energy, particularly utility-scale solar plants. If ever there was a need for us to move rapidly to renewable energy it is right now, given what we know about the science of global warming. In Hobart recently we had more than 250 scientists from the Intergovernmental Panel on Climate Change who were there to review the latest science. It is clear that, whichever area of science you look at, what we are seeing is the worst-case scenario predictions in many ways exceeded. We will expect this report from the IPCC later this year.

As this science is getting worse, as the extreme weather events are intensifying around the world, we have the stupidity of examples like Senator Barnaby Joyce this morning ridiculing the science. I do not know what Australians must think when they hear people from the conservative side of politics continuing to ridicule the science of global warming. This morning Senator Joyce said this ridiculous thing. He said that, from his latest observation, 'the carbon tax did nothing to the weather over Christmas and so, if it is going to be a response to climate change, I want my money back'. Then he mockingly referred to doomsday predictions of seven-metre sea level rises and suggested that there is a prediction that we are all going to instantaneously combust.

Senator Ian Macdonald: Hear, hear!

Senator MILNE: That kind of stupidity is clearly supported by Senator Macdonald from Queensland. The people who are suffering as a result of Cyclone Yasi and from the previous floods and those this year must be wondering when it is going to actually dawn on the coalition in Australia that not only are they jeopardising this generation and all future generations because of their determined ignorance on climate change but also they are denying Australia competitiveness in renewable energy. What we have heard from the International Energy Agency and the World Bank defies what coalition politicians in Australia would say, but of course that does not mirror Tory politics in the UK, for example. Let me just
explain what we have for the benefit of those denialists. Just three months ago the World Bank warned that without immediate action global temperatures could rise by four degrees Celsius this century, with devastating consequences for coastal cities and, more particularly, the poor throughout the world who tend to live in low-lying countries. We are going to have impacts on Pacific Island nations and countries like Bangladesh, but also we are going to see countries suffering from food insecurity and a huge movement of people around the world as a consequence of failure to act on climate change. World Bank Group President Jim Yong Kim said:

The time is very short. The world has to tackle the problem of climate change more aggressively. We will never end poverty if we don’t tackle climate change. It is one of the single biggest challenges to social justice today.

This is an issue not only about maintaining a liveable world but also about maintaining a liveable world where people can experience a reasonable life and where there can be equal opportunity and not just for rich and develop companies which have more money to try to deal with the problem. But even more money does not prevent people dying from extreme heat. We know in the Australian context, as well as in the European context, that more people are dying as a result of heatwaves than other forms of extreme weather events, and Australia is not immune. We are going to see an increase in the death rate and that is why the Australian Medical Association has come out saying we have to include them in the adaptation planning in terms of climate change.

Even regarding our economic wellbeing the fact of the matter is that we have had actuaries out in the UK saying, ‘We are really concerned that the failure to factor in financial models, the impact of climate change and resource scarcity is going to lead to significant losses, and that the assets of pension schemes will effectively be wiped out and pensions will be reduced to negligible levels.’ People had better start thinking about what the impacts are going to be as companies keep investing in coal, coal-seam gas and fossil fuels at the end of the fossil fuel age and fail to take into account the significant shifts that have to happen.

As I mentioned, in the UK—and I had hoped the leader of the coalition, Tony Abbott, might take some notice of this—Prime Minister Cameron said at the launch of the UK’s Green Deal:

… my argument today is not just about doing what is right for our planet, but doing what is right for our economy, too. Because make no mistake; we are in a global race and the countries that succeed in that race, the economies in Europe that will prosper, are those that are the greenest and the most energy efficient.

… … …

And in a race for limited resources it is the energy efficient that will win that race.

… … …

And yes, it is the countries that prioritise green energy that will secure the biggest share of jobs and growth in a global low-carbon sector set to be worth $4 trillion by 2015.

… … …

So to those who say we just can’t afford to prioritise green energy right now, my view is we can’t afford not to.

That is David Cameron, the Conservative Prime Minister of the United Kingdom recognising that competitiveness and jobs growth is essential and that the essential component of that is green energy, and that is why it is disgraceful that the coalition has come out and said that it will try to abolish the Clean Energy Finance Corporation. What a disgrace that is, because it is the Renewable Energy Target that is not high enough of itself to be able to bring on the
next stage of technologies. We need the Clean Energy Finance Corporation to do that.

I have just come back from Spain with my colleague Senator Ludlam where we went to solar thermal plants—the concentrated solar power which the coalition says does not exist. I can tell you that we stood there and we saw it for ourselves. We were standing in the future, except that it is right now. Why is it that we cannot have these plants in Australia? We cannot have them because there is not the vision or the preparedness to recognise we need to get off fossil fuels and on to large-scale, utility-scale solar energy as quickly as possible. As to the argument that it is not dispatchable when the sun goes down; yes it is! The Gemasolar plant that we went to has molten salt technology. It heats the salt and then it transfers the heat from the salt when the sun has gone down, so you have dispatchable energy from concentrated solar power.

If we do not do this in Australia we are going to fall so far behind. The Chinese are already the world's leading country in terms of exports of renewable energy technology and they are laying down more kilometres of high-speed rail than anywhere else in the world. We are falling behind, and if the coalition gets its way we will fall so far behind we will go back to a concentration not only on fossil fuels but also a subsidy to the hilt on those fossil fuels as they cannot compete against the renewable energy future that the world is inevitably moving towards.

I strongly urge people thinking about the election this year and about the future of this country to recognise that there is huge opportunity. There is jobs growth, there is innovation. All of these things will come from the shift to a low-carbon and then a zero-carbon economy and the rollout of large-scale solar technology and other renewable energy. We cannot afford to allow the backwardness of the coalition to stop the rollout of these technologies, to try to tear down the Clean Energy Finance Corporation. They will not do it because it is a statutory authority. They are required to act by the law that set them up. They will be engaged in rolling out large-scale renewables this year, and the Greens will make sure that they continue to roll those out. We will never support a repeal of the legislation that set up the Clean Energy Finance Corporation.

We need to expand the Renewable Energy Target. We need to move as quickly as possible towards 100 per cent renewable energy, and we need to put the smiles on the faces of the next generation in Australia in terms of innovation, jobs, new technology and renewal energy. We need to let them see one of these amazing solar plants in Australia at Kalgoorlie or Port Augusta or wherever, and not have to travel to Spain or to anywhere else to see it because Australia did not have politicians with the foresight to see where the future lies. I urge the coalition to read the speech that David Cameron made in the House of Commons and realise how far to the right of Genghis Khan we have become when we have a Tory PM saying the future is in green energy and jobs.

Senator STEPHENS (New South Wales) (16:44): I welcome this debate and take the opportunity, as Senator Milne has done, to challenge colleagues to consider where Australia is positioned in this debate about renewable energy. As Senator Milne just said, we are in a period of energy transformation and we have to confront those issues. The Gillard government have accepted the advice of scientists that greenhouse gas emissions are contributing to climate change and we have acted on the risks that are being created for our environment, our economy and our society. We determined to join the rest of the world
in cutting carbon pollution, and to play our part in tackling climate change. As Minister Combet has said repeatedly, Australia will have to transform from one of the most emissions-intensive electricity systems in the world in order to do that. But Senator Milne is absolutely right. The global clean energy economy creates huge opportunities for Australia. It is an integral part of our continued prosperity, and the economies that are driven by clean energy will be the ones that prosper in the next century. So we need to be there; we need to be playing our part. For me the question is: do we want to be among the countries that embrace energy transformation, or do we want to compromise our opportunity to benefit from the changes that are coming inevitably towards us?

The motion before us today relates to renewable energy technologies and there are already many examples of businesses that have started taking practical steps to improve their energy efficiency, reduce their power bills and reduce greenhouse gas emissions. We have heard many of these stories. In New South Wales there are great stories to tell, like Crafty Chef, Emu Plains. With the help of nearly half a million dollars from carbon pricing revenue, Crafty Chef will install a new commercial blast freezer which will actually help to reduce its emissions and carbon intensity by more than half and improve its turnover by more than 150 per cent. That is the real economic benefit of adopting this changing technology. Fonterra Brands in Wagga Wagga are using a $152,881 investment to reduce emissions by 89 per cent—very significant for them.

As Senator Milne so rightly said, the Renewable Energy Target scheme has been successful and has supported hundreds of thousands of households and businesses to install rooftop solar and solar hot water systems and heat pumps. We have 350 renewable energy power stations accredited under the RET scheme since 2001, and that number is growing every day. So people are moving. The shift is on and we need to really understand the opportunities that lie with that as well. Wind power has grown strongly, to over 2,000 MW capacity by 2011. Some of the clean energy technologies that we see have been dramatically reducing in cost as economies of scale and investment in innovation have delivered cost savings to energy users.

Now the government has legislated to comprehensively favour clean energy with a policy framework that puts a price on carbon, that does support the Renewable Energy Target, that does support the Clean Energy Finance Corporation with $10 billion of finance over five years to overcome barriers to investing in renewable energy, low-emissions technologies and energy efficiency. We have got the $3.2 billion Australian Renewable Energy Agency supporting stable research and development, a really critical important part of the process. It is complemented by the $200 million Clean Technology Innovation Program. We are starting to hear of great outcomes both from the Carbon Farming Initiative and the $1 billion Clean Technology Investment Program for the manufacturing industry. Some things are actually happening. You cannot deny that the move is on and you certainly cannot think that you might turn the clock back. Passage of the Clean Energy Finance Corporation legislation in June was critically important. It fills a gap which has been clearly identified between the research and development effort and the deployment of market ready technologies.

So we anticipate as a government that the carbon price and the RET legislation together can generate around $20 billion of renewable energy investment between now and 2020. That will help deliver the large-
scale renewable electricity projects that Senator Milne has been talking about. It will also help Australia to avoid the mistakes of locking in higher polluting electricity generation infrastructure that is the alternative. Quite frankly, it is why a coalition government in the future cannot make any serious attempt to undo carbon pricing, regardless of their claims. There is no alternative policy that will decouple growth in the economy from the growth of carbon pollution and there is no alternative policy to drive investment in clean energy, and certainly there is no alternative plan to transform our energy sector. These are all key parts of the whole debate.

To me the issue is about thinking about the future. Advances in solar and wind energy technology such as thinner solar film and panels, solar paints, new building materials and new wind turbines are all fascinating developments. But they are improvements to existing technologies and I want to know what the future potential energy sources might be and how Australia can pursue research and development into future energy technologies. Just like Senator Milne, last year I was in Argentina and I visited one of the largest solar arrays in the southern hemisphere. It was a demonstration project being undertaken to experiment with a range of solar technologies, in pursuit of that elusive baseload power. It was very impressive, and these kinds of efforts are being undertaken around the globe. The lesson is really clear. Denmark recently dismissed nuclear as part of their energy mix and have decided to focus on wind energy, because that is their strength. And we need to play to our strengths as well. We have an abundance of energy options, but our future energy mix has to be carefully considered, based on scientific analysis and serious public debate.

Last week I was able to visit the Australian Energy Research Institute at the University of New South Wales to meet with the Institute Director, Professor Vassilios Agilides. He spoke about the work of the centre’s research on integrated renewable energy sources and energy storage systems. That institute is a sustainable energy think tank that is focusing on transforming energy research into practical applications. It builds on 30 years of energy research leadership at the University of New South Wales, which is a very proud record.

The institute aims to become an internationally recognised model of collaborative interaction between academia, industry, business and community, focusing on creating sustainable energy infrastructure and stimulating some informed intelligent debate by expanding research into economics policy analysis, regulation, engineering, sciences, social sciences, economics, markets, business and technology. To me that is what makes sense. Working across disciplines means creating a system that is larger than each of its parts and an understanding of energy-related complexities that reflect our future energy needs.

Professor Agilides actually suggested that it is new generation grid solutions that can address not just our energy needs but also use renewable resources to provide energy security. Meeting our future energy needs is going to be expensive, but at least we can choose where we want to spend our investment. Investing in technologies where Australia has significant intellectual property and expertise will provide the platform for future hybrid renewable energy generation technologies rather than importing them. I think the argument is right that Australia needs to grow a new industry with the potential to generate value in a carbon-constrained world.
Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (16:53): It was with some interest that I actually read what this is about. It says: including utility scale solar plants, a task made more urgent given the World Bank predictions that we may be on the path to a four degree Celsius warmer world economy by the end of the century. I was startled by that. So I thought I had better go have a read of it. I have it. The trouble that we have got with this, of course, is that they did not say that, so I am going to read to you exactly what they did say:

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The World Bank does not guarantee the accuracy of the data included in this work.

So we have a whole MPI based on a fallacy, but that is not unusual. It is not unusual that they create a cluster before even starting. Everything is fear and loathing and guilt and climate policy.

I got the transcript of Tony Jones speaking to Peter Garrett. Tony Jones said as regards another report:

The most scary thing it says is the upper level of those rises in global sea levels could be as much as six metres—six metres—by the end of the century.

Peter Garrett's response was:

Look, I haven't seen that report yet, Tony, but I don't think there is any doubt about those kinds of projections … I wonder why we don't take these people seriously. I feel like getting a case of beer and going to the Coolum surf life saving club and just waiting for the surf to come in and never go out again. It just does not stop. There are always reports.

Dr Rajendra Pachauri has said that by 2035 all the glaciers in the Himalayas would be melted. The problem is that they are still there. Everything is going along as per normal. We have just one after the other after the other. What can we say about Tim Flannery? This guy is incredible. He has said now we need to remove the obstacles:

Although we're getting say a 20 percent decrease in rainfall in some areas of Australia, that's translating to a 60 percent decrease in the run-off into dams and rivers. That's because the soil is warmer because of global warming and the plants are under more stress and therefore using more moisture. So even the rain that falls isn't actually going to fill our dams and our river systems.

Dr Flannery said that the storages in South-East Queensland would never fill again. Since he said that that I went and checked the other day at Bundaberg and down to the Gold Coast. The storages are full, there is no doubt about it. They have been full ever since he said it. Why? It was another thing just to terrify the kids. And on and on and on it goes.

They want to go to renewables. Some actually were going to wind farms. So then I went and had a look at the co-founder of Greenpeace, Dr Patrick Moore. He said that the wind farm industry is a destroyer of wealth and negative to the economy. He said:

I'm happy for the farmers who are receiving the royalties for allowing the wind towers to be built on their farms …. They deserve it, but the cost to the consumers will continue to climb—partly because of the rate increases and partly due to tax increases…. They are ridiculously expensive and don't work half the time … No matter how many are built, they won't not replace coal, gas or hydro or nuclear plants, because they are continuous and wind is not always reliable.

What is this insane lemming-like desire to go to renewables going to do to our economy? We have a few problems. I am looking forward to the campaign where we say
wherever you put in a Labor, Green or Independent candidate, there you will get wind farms. They always ran the scare campaign with us about nuclear power plants. That was a myth but this is the truth. You get wind farms in your backyard. This is the party of wind farms. There is a wind farm coming next to you because people just love wind farms. They cannot wait for the Labor Party and the Greens to be putting wind farms in every corner of the world. They want renewables. Why don't they talk about hydro? No, they do not like dams. Dams are evil, wind farms are good. What about solar? Just lately we had a Dr Roger Pielke who said that for us to get even our five per cent target we would need 30,000 solar farms equivalent to one that they were going to build at Cloncurry. These things are just not going to happen. So, where else do they go? You could go to nuclear but they hate nuclear. That is another thing they hate. They cannot have that, even though there are zero emissions. Where do we go? Where do these people lead us? If we let them go we will not have a manufacturing industry in this nation. We will not have an economy in this nation. We will not have an economy in this nation. Christine Milne has said that she wants us to go to 100 per cent renewables—100 per cent. This is absolute lunacy but this is the policy of the government. It goes hand in glove with the carbon tax.

I do not know: I had an examination of the climate over Christmas because the carbon tax is in now. Everything should be better. But the climate is around about where we left it. We had a few problems over at the lake. I thought the carbon tax would have fixed that, so what is the purpose of us all being ripped off by this basically gross encumbrance on the cost of living of every Australian family? What has happened? Isn't it all supposed to be better now, because you have your carbon tax? Isn't it all supposed to be wondrous? Of course not, because there is no way on earth that this is going to have any effect on the climate. It is most definitely having an effect on the standard of living of people. It is most definitely making people poorer and driving our manufacturing industry out of business but it is doing nothing for our economy. (Time expired)

Senator MADIGAN (Victoria) (17:01): When it comes to energy conservation I believe we would do well to take a leaf out of the book of the John Muir Trust. The trust is the UK's leading wild land conservation charity and believes in conservation before generation. I believe we need to explore all ways in which we can use the energy we have more efficiently before expending more energy and taking up more land in schemes to produce energy. I agree with John Muir when he said 'not blind opposition to progress but opposition to blind progress'.

We need to be looking far and wide for renewable energy sources that work. Australia simply cannot afford to push ahead with one form of energy while ignoring equally good or better alternatives. Across the country we have traditional energy sources such as coal, gas and hydro. We also have more recent alternative and renewable energy sources such as solar and wind.

In my home state of Victoria there is a lot of interest in geothermal energy. Western Victoria and the Latrobe Valley show great promise, but without government and business investment this potentially abundant power source will go undeveloped. I believe all alternatives and energy solutions should be thoroughly and adequately researched under Australian conditions before a single plot of soil is turned.

In addition to these alternative sources, we should look at ways we can improve on the energy we already have. The John Muir Trust believes that the most efficient energy is that which is never produced—that is,
energy that did not have to be produced because it was not required due to energy conservation or energy efficiency measures. Dotted across Victoria are roofs with solar hot water heaters and photovoltaic systems. This is something we should all be glad to see and should encourage. But it is not unusual to see these units facing the wrong way, facing south-east, thereby severely diminishing their productive output. Renewable energy certificates have been exchanged on these systems at the full rate of capacity, yet that capacity has been totally undermined by incorrect installation and lack of compliance at a state level. Further education for installers and consumers of these products would be a simple way to conserve the energy we have.

Another way would be to give Australians access to the most energy efficient products available. The E3 website—a Commonwealth government guide to energy efficient appliances—lists the freezer Elcold on its recommended lists. However, this freezer is not available in Australia. Allowing this freezer and freezer technology to be sold, or even better, manufactured in Australia would be a simple way to conserve the energy we have, promoting jobs—green jobs—and would no doubt foster a greater appreciation of energy efficient technologies.

In fact, there is a lot we can do to promote the manufacturing of energy efficient products in this country and many companies would welcome some promotion and support. Ceramic Fuel Cells is one of these companies. Ceramic fuel cells are the most energy efficient co-generation system on the planet, producing electricity and heat. This technology was developed in Australia and manufactured in Australia and the company operates out of Australia. However, the company cannot get Australian support on a feed-in tariff and has recently refocused its activities to Europe where its excellence in the field of energy conservation is fully appreciated. I believe we need to foster an environment in this country where these companies are not forced overseas to thrive.

Senator SINGH (Tasmania) (17:05): I come to this matter of public importance debate on this rare occasion when a party has submitted a genuine question of importance. Too many of these debates are mere attempts at partisan time wasting, but this matter—the urgency of climate change and the need for renewable energy—is both genuine and pressing.

In 2007, we all recall Lord Nicholas Stern published the widely publicised Stern Review, which noted a 75 per cent chance that global temperatures would rise by between two and three degrees above the long-term average. That report was indeed a watershed. Here was an economist making an economic prediction that the benefits of early action on climate change far outweigh the costs and that mitigation and adaptation later down the track would be far more expensive than early action. Revisiting his predictions recently, Lord Stern made the admonition that:

Looking back, I underestimated these risks. The planet and the atmosphere seem to be absorbing less carbon than we expected, and emissions are rising pretty strongly. Some of the effects are coming through more quickly than we thought then.

Meanwhile, this matter of public importance refers to the World Bank, which has warned that a four-degree temperature rise will have dangerous consequences for the world. Jim Yong Kim, the new President of the World Bank, warned that there would be water and food fights everywhere as he pledged to put climate change on top of the agenda for his term.

In light of all of that and the issue of this matter of public importance, that is why the
government is acting so strongly on climate change and why it has been at the forefront of the Gillard Labor government's agenda. That is why renewable energy is so vital to that. The carbon price is about encouraging renewable energy. The carbon price is, in fact, a key pillar in driving investment in renewable energy. It is through the carbon price that renewable energy suppliers and consumers will have a clear market advantage. They can produce energy more cheaply, relative to carbon-intensive power supplies, and can be selling at the market rate, which creates strong profits and opportunities for reinvestment.

That is also why the government has created the Clean Energy Finance Corporation. The objective of that corporation is to overcome the capital market barriers that hinder the financing, commercialisation and deployment of renewable energy, energy efficiency and low-emissions technologies. The CEFC will invest in firms and projects utilising these technologies, as well as manufacturing businesses that focus on producing the inputs required. So it not only will invest in carbon capture and storage technologies but also has that long-term potential for new jobs in the manufacturing sector and in the renewable energy sector. It is intended to be commercially oriented and to make a positive return on its investment; it is not intended to compete directly with the private sector in the provision of financing to the clean energy sector. Instead, it is intended that the CEFC will act as a catalyst that is currently not available to private investment for clean energy technologies, and thereby contribute to cleaner energy and reducing carbon emissions. Capital that is returned from investments will be retained for reinvestment by the CEFC, with the board to determine the quantum of any dividends payable to the Australian Renewable Energy Agency.

That leads me to the next body of the investment and the forward-thinking visionary approach that this government has taken to the issue of renewable energy, and that is in the creation of the Australian Renewable Energy Agency, ARENA. ARENA is an independent statutory body tasked with the objectives of improving the competitiveness of renewable energy technologies and increasing the supply of renewable energy in Australia—another really important factor. Coming from a state that has a strong base of renewable energy in this country, I simply cannot believe that Senator Joyce talks down renewable energy investment. Part of Tasmania's image is this image of it being a clean, green state, having clean air, pristine wilderness and environment—and one of the most fantastic things about our state is our clean water. All of those things come back to the fact that we are a state built on a renewable energy base. He talks, then, about wind farms and goes on with this diatribe about wind farms being unsightly and something that the people do not want and all of that. Well, I can tell you that in Tasmania we are about to build our second major wind farm in the north-east of the state—Musselroe Wind Farm—which will complement the one in the north-west of the state, which is known as Woolnorth. This will provide an incredible percentage of renewable energy for our state in the wake of the times when our hydro dams are not full enough and we have to import dirty coal power from Victoria on the mainland through Basslink. We will be able to rely more, as a state, on our renewable energy base through the creation of Musselroe and Woolnorth. That is a very good thing for Tasmania and would be a very good thing to see replicated and is, I know, being replicated across the rest of the nation to
build our renewable energy stocks through the support that has been created in the legislation that we have provided, the creation of the Clean Energy Finance Corporation and the creation of ARENA.

How can he then come in here and see that as a bad thing? Just because it happens to be a wind turbine, just because the actual apparatus of the thing that is creating that renewable energy is something Senator Joyce simply does not seem to like, he seems to think he can bring the rest of the nation with him in his unesthetic vision of a wind farm. It is simply ridiculous. I actually encourage Senator Joyce to come to Tasmania, have a look at our wind farms, have a look at Woolnorth and have a look at some of the individuals who have decided to actually put a wind turbine in their backyard—people like Mr Nichols, who owns Nichols Farm and is very well known in Tasmania for his good Nichols chickens. I can see senators from Tasmania there agreeing with me, perhaps, on Nichols chickens—we probably all share the fact that we eat them and enjoy them. But we all know that they come from Nichols Farm. Mr Nichols has a wind turbine in his backyard and he is very much a supporter of renewable energy and the fact that he is creating his own energy for his business in doing so. I am simply astounded by Senator Joyce's view that talking down renewable energy, in the sense of his dislike for wind farms, is somehow a good thing for this nation— it just really baffles me.

We have invested, as I have already outlined, in a huge way when it comes to ensuring that this country has a good, strong renewable energy base for the future. Another area where we have done that is the Clean Technology Innovation Program—that is a $2 million program and it is a competitive, merits-based grants program. One of the companies that have recently been awarded a grant from that program is a company in Tasmania called Saturn South. Saturn South's employees work all around the country and are regularly collaborating and conferencing over the National Broadband Network on their actual product. They received $115,000 last year in support of a new project to help families and businesses save energy and reduce power costs. The Saturn South hardware is a device that can plug into the switchboard of a home or a business, and once installed the device acts as a power meter and switch, turning off discretionary loads—such as hot water systems—to control the level of demand for power. This technology is actually part of Hydro Tasmania's King Island Renewable Energy Integration Project— (Time expired)

Senator BIRMINGHAM (South Australia) (17:14): Mr Deputy President, can I firstly, as an aside, indicate that it will be a pleasure next time I manage to make it to the Apple Isle to have you, Senator Bushby, Senator Singh or somebody else lead us in the wonderful delights of Nichols chickens, which Senator Singh has just waxed lyrical about. But this is a serious matter of public importance that it is being discussed by the Senate today. It is important that we talk about good policies to encourage the uptake of renewable energy, good policies to reduce emissions in Australia, good policies that may facilitate the use of larger solar plants, as against bad policies. In the end there are policies that work and policies that do not work towards effecting appropriate change in the Australian economy and making sure that we meet our obligations as a country when it comes to reducing emissions.

The coalition has a good record of encouraging progress when it comes to the uptake of renewable energy. It should never be forgotten that it was the coalition government that introduced the first
mandatory renewable energy target in Australia. It was a coalition government that set that target down to provide the incentive and encouragement for emerging technologies to be taken up and developed as part of our energy mix. That is why the coalition stands so committed today to maintaining our support for the renewable energy target now at the 20 per cent level while, equally, we have expressed our concerns along the way about whether that target is achieving the right type of incentivitation for different technologies rather than just providing a great big incentive for the advancement of wind. There is a place for wind but it is important that we make sure that this key policy mechanism encourages technologies that can provide the type of secure baseload power that Australia needs as well at a renewable level into the future.

We support good policies on this side of the chamber that can deliver for Australia's growth and the uptake of renewable energy. That is why we oppose the carbon tax. The carbon tax is a policy that simply sees Australia's emissions continue to increase. They will increase from the baseline of 560 million tonnes to some 637 million tonnes, a significant increase in emissions even with the carbon tax in place. Dig deeper and look at some of the analysis that has been undertaken as to which of the two major policies in this area will effect the greatest change in our energy mix between now and 2020—the carbon tax or the renewable energy target—and you will find that overwhelmingly in that timeframe the renewable energy target is more likely to be driving change in terms of energy mix. Why? Because it is mandating change in terms of energy mix. It sets down exactly the level of megawatt hours that are required to be delivered by renewable energies between now and 2020. The carbon tax just taxes things and hopes that the market will respond, and in many ways it would have to be far, far higher than it already is to see the closing down of major coal fired power stations.

Senator Ludlam interjecting—

Senator BIRMINGHAM: It is happening in a handful of isolated cases, Senator Ludlam. There is still an awful lot, firstly, of coal fired power but, secondly, it does not negate the fact that much of the reason it is happening—and many of the economists will cite the fact that this is the reason it is happening—is that it is being driven by the renewable energy target rather than by the carbon tax.

The coalition support the maintenance of the renewable energy target. We want to make sure that it works effectively to deliver emissions reductions and of course renewable energy at the lowest cost as well. We have concerns with projects and oppose throwing taxpayer money at projects like the Clean Energy Finance Corporation, as Senator Joyce highlighted, because it is simply a case of ploughing $10 billion of borrowed taxpayers' money into projects that the private sector have already deemed too risky.

We know that a government like this one, a government that has already failed when it comes to projects like pink batts or green loans—a project that has got its incentives for solar credits so terribly, terribly wrong it has had to keep changing them or has had to cancel or has been seen to cancel various solar flagship projects—cannot possibly be trusted to choose the right investments for such a vast sum of public money. That is why we think there are better ways to make sure that we can deliver growth in renewable energy or emissions reductions through the types of policies that we have released and outlined and stand by rather than the types of
Senator LUDLAM (Western Australia) (17:20): I rise to speak to this notion for a number of reasons, the first being the speed at which renewable energy technology is changing—the speed at which costs are coming down and the speed at which it is being deployed around the world. These are obviously issues that no doubt Senator Birmingham and slightly less than half, regrettably, of his colleagues understand. But then we have the counterproposals raised by Senator Joyce. He is simply so utterly ignorant of the reality on the ground that it is worth bringing a debate such as this into the Senate chamber.

The second reason is that, as a result of the passage of the Clean Energy Act, which has unlocked over a period of five years $10 billion in investment with which to assist the private sector close the cost-revenue gap that exists at the moment with some of the leading edge concentrating solar-thermal technologies in the world, we have this mechanism now. We have the Clean Energy Finance Corporation. It is getting on its feet and preparing to open the bidding for the first tranche of funding in the second half of this year. We have the technology that is now taking root around the world in leading countries, in places like Spain, western United States, the Middle East and elsewhere, and we have the mechanism to build it. And, the third reason is that I have seen it with my own eyes. I travelled to Andalucia in Spain in December, and visited, firstly, the Abengoa complex, west of the city of Seville, and Torresol's Gemasolar plant, about 100 kilometres to the east. These are two examples of large-scale, utility scale, solar energy plants that work around the clock. 24/7, rain, hail or shine. It can do this with or without sunlight. The second plant that we visited can hold thermal energy storage for up to 15 hours. On a cloudy day, or on a run of consecutive cloudy days, they can run that plant without much sunlight for hours and hours. That is how you get better than baseload dispatchable energy from a solar plant that runs on no fuel other than sunlight itself.

I think that many people, when they consider solar energy, think of rooftop solar panels. That is fine. We have seen huge falls in the cost of that technology as economies of scale kick in, particularly with the research and development leadership that Australia has shown over previous years, coupled with the massive manufacturing capacity of China. This has led to huge falls in the cost of PV. For example, in Perth—the latest figures I have from last September—218 megawatts of peak electricity was generated from the rooftops of the residents of Perth. It is interesting to note that the largest renewable energy instillation in Western Australia is actually the city of metropolitan Perth. Because costs have fallen so fast—with halting policy assistance from both federal and state that comes and goes; rebates that get slashed and reintroduced, different schemes that come and go and even so people have done the right thing—we are now seeing large-scale deployment of solar energy in Western Australia and right around the world. So, PV is a big deal.

But, what we want to raise today—and the reason the motion is worded as it is—is that there are major changes occurring in concentrating solar thermal technology which does not use photovoltaics, it does not require the rare earth minerals, it does not require advanced electronics or miniaturisation or particularly advanced manufacturing technologies. These are fields of glass, a kilometre or more across, that reflect the sunlight onto a central receiving tower which heats some kind of thermal
storage mechanism—whether it be water, or hot oil, or molten salt, as was the case in some of the plants that we visited, and other technologies, including one that is proposed to get up and running in Western Australia using the solid thermal storage medium of graphite—and that thermal energy can be stored and dispatched later. That is how you get better than baseload solar plants that can run around the clock. It changes absolutely everything. It certainly should change—although I suspect he would be one of the last people on the planet to get the message—the determined, unhinged, pig ignorance of people like Senator Barnaby Joyce and the display he put on for us just now. That a senior policymaker in 2013 can still hold and express views like that is dangerous. And, it is a leadership example set by his leader, Tony Abbott, and premiers like Premier Barnett in Western Australia which is dangerous. Crossing the road with a blindfold on is dangerous. We cannot allow people like these to hold leadership positions in Australia while the ship heads towards the rocks. We have the technology, we have the institutional set-up and now we have the funding mechanism to make plants like this a reality in Australia, largely in part because of the leadership shown by Senator Milne, by Adam Bandt and by our former leader, Senator Bob Brown, in bringing the Clean Energy Finance Corporation into being. We are not simply taxing the several hundred largest polluters in the country, but we are using a large fraction of that revenue to build the platform to replace the polluting infrastructure. This technology is good because it gives you the thermal storage, it is responsive to demand, unlike coal and nuclear power plants, it is relatively simple to build and it can happen on a large scale, on a utility scale. That is what has been missing from this debate up until now.

There is a whole range of other technologies taking their place like wave and geothermal. Senator Madigan had some useful points to make on energy efficiency. That is the keystone here: reducing demand and our profligate use of energy so that these generating technologies can take their place. Where would we build plants like this? This is something I plan on spending a lot of time working on this year, because the West Australian goldfields have been shown in study after study to be one of the best places in the world, one of the best solar resources in the world. There is space for plants such as this. There is not merely community acceptance but community advocacy. I want to congratulate the leadership that the city of Kalgoorlie Boulder and its mayor Ron Yuryevich have shown for as long as I have known him in trying to get this infrastructure built in the goldfields and out at Kalgoorlie. We have the manufacturing capability, the fabrication capability out there, and we have the best solar resource in the world out there. I am quite determined to help support the goldfields in taking that leadership position that industry, business, civil society groups like the Goldfields Renewable Energy Lobby and the local government authority itself are trying to show out there.

Some of the most interested participants and stakeholders in this debate are the mining industry who are sick of having to cop rising gas costs on a grid that is now at capacity. That is where this debate gets very interesting, because the cost of technologies such as this are falling rapidly, and are predicted to fall even more rapidly if the current rates of deployment are maintained. Forty per cent annual increases in deployment of concentrating solar thermal technology around the world, and the number of large-scale plants under construction in Australia at the moment is zero. We are at risk of falling behind. Some
of the best research in the world on plants like this has been undertaken in Australia in places like the University of New South Wales, and then they go overseas and build these plants elsewhere. This is because of the kind of views that we heard Senator Joyce express.

He has done us a favour. It is not often that people would have the courage in this place to come in and be so brazenly ignorant as to just put it all out on the table with, perhaps, deliberate misrepresentation of the science. I would almost prefer it be deliberate than be the actual views that Senator Joyce holds. But he is not alone. He is more honest than others, like his leader, Mr Tony Abbott and like Premier Barnett in Western Australia. They pay lip service to climate change issues and to the reality of the disaster that we are ploughing towards if we continue on our present course. They pay lip service to it and they pretend to care. At least Senator Joyce is honest enough to come in here and admit that he could not give a damn about climate change, and that he just thinks that it is rubbish. That is actually less dangerous than the kind of views professed by Mr Abbott who is holding to a five per cent target and has no intention of doing anything of the sort. He is utterly dumbfounded if you put to him the question of, what about the other 95 per cent? How on earth do these people propose to decarbonise the economy? The fact is, they do not have any such intentions. Western Australia—my home state—is heading for a doubling of greenhouse gas emissions in the next 10 to 15 years. It is the same in Queensland and New South Wales. Massive increases in coal exports, ramp up industrial capacity, put in as many mines as you can, exporting LNG, exporting coal all over the world and the party is just about over. We now have the tools that we need to change course, and we need to change course very, very quickly. If you look at the statistics—not what the Greens are saying but what the global investment community is saying—investment in nuclear technology has gone backwards. The nuclear industry has gone into its terminal decline. You do not have to take that from me. Investment in fossil fuel power stations is flatlining and will be declining, and investment in renewable energy is surging. It is time Australia took the leadership position that it so clearly can.

Senator EDWARDS (South Australia) (17:30): I rise to speak on this matter of importance. Stop the presses! Senator Ludlam has announced that Australia has enough room for solar plants. We do have a lot of room; we have a lot of room in Western Australia and we have a lot of room in South Australia. You have addressed that we have the manufacturing capability for all of these solar plants that we are going to proliferate in Central Australia. We have a lot of room. Senator Joyce got bagged out incessantly in that last speech. I quote Senator Singh: she mentioned your diatribe. There was not a lot of fact in Senator Ludlam’s diatribe, which was just a bash-up session for his intimidation of your prowess at articulating this argument.

Stop the press! We have the manufacturing capacity to build solar plants. Great! We have the technology—I suppose we do, thanks for that. The senator failed to mention was the cost, and the comparative cost.

Senator Ludlam: I did mention that. You came in late. I will send you the Hansard.

Senator EDWARDS: No, you are not interested. The Greens are not interested in the cost of renewable energy because they will never be in power. They have this dislocated sense of power now with the little coalition they have had over the last three
years with the Gillard Labor government. They are asserting that because we have the manufacturing, the technology and the space to do it, we should all have it. Fairies live in the bottom of the garden, Senator Ludlam, obviously! Father Christmas!

For all those who are listening, who just got into the car to drive home, or who are listening to this online—breaking news! Senator Milne said in her earlier assessment that the UK has come out in support of renewable energy. Good lord! Breaking News! We are all in favour of renewable energy. We are in favour of targets that we would like to meet as a nation by the year 2020. Senator Ludlam is acutely aware of the commitment of most Australians to renewable energy. Unfortunately, what we cannot have are systems and government policies which prejudice Australians on the road to a sensible and balanced renewable energy plan.

Poor old Tasmania came in for a mention from Senator Singh. I love hearing stories about enterprise. I love hearing stories about the ways people enhance their enterprise, and renewable energy is part of that. Nichols Poultry has reached some prominence here today, and I am sure they have a wonderful product, but they must, in their aspiration and in everything they do, want to be sustainable like most farmers. Senator Singh talked about the aesthetics of wind farms. Not everybody is opposed to wind farms and the aesthetics of them. Senator Madigan has his views. We are not opposed to them, but it is a simplistic argument to run. What we have to do is say, 'How much does it cost?' I am sure that in all of Nichols Poultry's packaging they leverage their renewable commitment to energy.

He has made that decision—he either could not access power efficiently or he has made a decision to brand his product. That is his choice, but it does not mean all of industry in Australia can afford renewable energy at the levels which you propose. Unfortunately, you did not provide an economic argument.

I look at all of these things, and of course your answer is the carbon tax—you and your coalition partners. Well, the carbon tax is not renewable energy. We support the 20 per cent renewable energy target, despite your protests otherwise. The representations that you continually make do not bear any relationship to the coalition's plan, which we will take— (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Crossin): The time for discussion on this MPI has expired.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:35): On behalf of Senator Macdonald, the chair, I present the first report of 2013 of the Senate Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills Alert Digest No. 1, dated 6 February 2013.

Ordered that the report be printed.

Human Rights Committee

Report

Senator THORP (Tasmania) (17:36): I present the first report of 2013 of the Parliamentary Joint Committee on Human Rights on the examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011.

Ordered that the report be printed.
DELEGATION REPORTS
Parliamentary Delegation to the United Kingdom and Poland

The ACTING DEPUTY PRESIDENT (Senator Crossin) (17:36): I present the report of the Australian parliamentary delegation to the United Kingdom and Poland, which took place from 5 November to 15 November 2012.

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
CRIMES LEGISLATION AMENDMENT (ORGANISED CRIME AND OTHER MEASURES) BILL 2012
Social Security and Other Legislation Amendment (Income Support Bonus) Bill 2012

First Reading
Bills received from the House of Representatives.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (17:38): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.
manufactured in 1888, seized from criminals in Victoria, and still functioning.

The Australian Crime Commission undertook a tracing analysis of 3,186 firearms seized by Australian law enforcement agencies.

This tracing analysis confirmed that most of these firearms had been stolen or were not handed in after the Port Arthur massacre.

Less than one per cent of firearms traced by the Australian Crime Commission were illegally imported.

Based on this report, I took a series of reforms to the Standing Council on Police and Emergency Management in June this year.

These reforms are designed to tackle the illicit firearms market from every angle – to seize illegal firearms, to break the code of silence, to improve our ability to trace illegal firearms, to strengthen laws and harden the border.

They include:

- introducing tough new penalties for firearms trafficking across state and national borders
- establishing a National Firearms Register
- expanding the Australian Ballistics Identification Network nationwide
- developing a National Firearms Identification Database
- firearms training by United States specialists for Australian law enforcement
- establishing a Firearms Intelligence and Targeting Team inside Customs
- embedding Customs and Border Protection officers in relevant organised crime, gang or firearm squads in States and Territories
- a national campaign on unlicensed firearms, and
- expansion of the Australian Crime Commission’s Tracing Capability and conducting the annual national intelligence assessments of the illegal firearms market.

This Bill implements the first of these reforms.

The maximum penalty for these offences will be life imprisonment.

This will make the maximum penalty for trafficking in firearms the same as the maximum penalty for trafficking in drugs.

It is designed to send a very strong message that trafficking large numbers of illegal firearms is just as dangerous and potentially deadly as trafficking large amounts of illegal drugs, and the same maximum penalty should apply.

The Bill expands this to also cover the trafficking of firearms parts, as well as the trafficking of firearms.

Currently, it is an offence to traffic firearms across State or Territory borders.

Importing or exporting prohibited firearms is covered by offences in the Customs Act 1901. The Bill creates new offences in the Criminal Code for situations where firearms are trafficked across Australia’s national borders.

Work is also underway on the other reforms that the Standing Council on Police and Emergency Management agreed to.

The Standing Council met again last week.

Police Ministers were briefed on the status of these reforms and I can provide the House with the following information:

**Development of a National Firearms Register**

First, the establishment of a National Firearms Register.

In June Ministers agreed in principle to develop a national register.

There are currently more than 30 different registers and databases across federal, state and territory agencies which are not linked.

According to CrimTrac, 14,000 firearms are lost track of each year.

Nous Consulting Group was commissioned to undertake an analysis of model and funding options for the establishment of a National Firearms Register. Police Ministers were briefed about their work at last week’s meeting.

The work they have done to date confirms systemic weaknesses in the current system that result in thousands of firearms moving from legitimate hands into a ‘grey market’ each year. It
also confirms that these weapons constitute a major source of the firearms used by criminals.

Their work has also confirmed that a National Firearms Register would make it easier for law enforcement to track the movement of firearms across state borders and choke off the flow of firearms into the 'grey' and criminal markets.

They will now develop model and funding options to establish a National Firearms Register, and this will be considered by Police Ministers at the next Standing Council meeting in 2013.

Rolling out the Australian Ballistics Identification Network nationwide.

In June Ministers agreed in principle to roll out the Australian Ballistics Identification Network (ABIN) nationwide.

Work is underway on this important initiative.

The ABIN uses advanced technology to undertake ballistics analysis of firearms that are seized from criminals. It can link firearms seized to previous crimes.

The ABIN is currently used by the Australian Federal Police and the NSW Police force.

Rolling out the network nationwide will build a database of all weapons used in crimes recovered by Police in every State and Territory.

It will be able to be accessed by Police Forces in every Australian jurisdiction.

Development of a National Firearms Identification Database

At the Police Ministers meeting in June, Ministers agreed to the implementation of a National Firearms Identification Database. This database, developed by CrimTrac, will provide law enforcement with a searchable web interface as an invaluable resource for identifying firearms across the country.

It will provide law enforcement with a searchable web tool containing key description information for all known firearm models, including images, configuration details and other reference information.

The first stage of the National Firearms Identification Database will be completed in February next year when the online database set is released.

Specialised firearms training for Australian law enforcement.

Experts from the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will travel to Australia in February 2013 to deliver firearm identification courses to Federal, State and Territory Police and firearms officers from Commonwealth agencies including the Customs and Border Protection Service.

I reached agreement with the ATF to provide this training during a visit to the United States in July this year.

The training will be held in Australia, rather than the firearms tracing facility in West Virginia, to allow up to 40 Australian law enforcement officers to receive training on the latest developments in firearm identification and technical advice.

The courses will further enhance the skills of Australian law enforcement in identifying firearm markings, parts and components, and the methods that can be used by organised crime to hide firearms.

Establishment of a specialised Firearm Intelligence and Targeting Team

This team was established within Customs and Border Protection to fuse together all available intelligence from law enforcement agencies and target key criminal groups at the border.

This team is now fully operational, with one officer embedded in the NSW Police Firearms and Organised Crime Squad.

This officer recently accompanied NSW Police to Nashville, Tennessee to work with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives and the United States Drug Enforcement Agency to shut down an illegal firearms supply route between Australia and the United States.

These joint operations and collaborative working relationships demonstrate the power of working together to defeat organised criminal networks seeking to import illicit firearms into Australia.

We are working with other jurisdictions about possible expansion to relevant State and Territory organised crime, gang or firearms squads.
National campaign on unlicensed firearms

At last week's meeting Police Ministers agreed to a national community national phone-in campaign encouraging people to dob in firearm criminals.

People will be able to anonymously and safely ring up and identify people they know who possess illegal firearms.

It will be up and running in the first half of 2013.

Expansion of the Australian Crime Commission's Firearm Tracing Capability and conducting Annual Illicit Firearms Intelligence Assessments

The Australian Crime Commission is developing an Enhanced National Firearms Serial Number Tracing Capability that will build on its role as Australia's principal firearms tracer.

Since June, over 500 firearms have been referred for tracing by State and Territory law enforcement agencies.

At last week's meeting Police Ministers were also updated on ACC's preparation for the next National Illicit Firearms Assessment for 2013-14.

The assessment will build on the ACC's 2011-12 Assessment and provide an up-to-date intelligence picture of the illegal firearms market.

Additional search powers

I have also asked the States and Territories to consider introducing laws giving police the legal authority to search a person who is subject to a Firearm Prohibition Order (FPO), as well as any vehicle or premises they are in, for the presence of a firearm without the need to demonstrate reasonable suspicion.

We need to give police stronger powers to search for illegal firearms.

If we are really serious about getting the quarter of a million illegal firearms off the streets we need to give police more power to go and get them. This means the power to randomly search for firearms.

If someone is a serious criminal police should have the power to stop and search them for illegal firearms at any time. This includes searching any vehicle they are in and any premises they are in.

Unexplained wealth

This Bill also makes important improvements to laws that allow our enforcement agencies to target unexplained wealth.

Serious and organised crime is driven by the pursuit of money.

One of the most effective ways to deter these criminals is to take away the wealth and the property they have obtained from their crimes.

Unexplained wealth laws reverse the onus of proof so criminals have to prove their wealth was obtained legally.

It makes it easier to confiscate their assets.

This is what makes it one of the most effective ways to bring down organised criminals.

The Commonwealth has a comprehensive Proceeds of Crime scheme to trace, investigate, restrain and confiscate criminal wealth and property.

These laws are having an impact.

In October I announced that the Australian Federal Police (AFP) seized more assets from criminals in the past year than ever before.

Last year over $97 million of proceeds of crime were confiscated—more than double the $41 million seized the previous year.

This includes the seizure of multiple Rolls Royce's, a Lamborghini, an Aston Martin, a BMW and yachts.

Unexplained wealth laws are the next piece of the puzzle in targeting the proceeds of criminal activity.

In 2010, we introduced important new unexplained wealth provisions into the Proceeds of Crime Act.

These new unexplained wealth laws allow a court to order a person to attend court and
demonstrate that his or her wealth was lawfully acquired.

If they can't prove that their wealth came from lawful means – the court can order them to pay the difference between their lawful wealth and their unlawful wealth.

These laws target senior organised crime figures – criminals who orchestrate and accumulate wealth from criminal activity, but distance themselves from committing the actual crimes.

Some States and Territories -Western Australia, Northern Territory, New South Wales, Queensland and South Australia – also have unexplained wealth laws.

However, there are significant differences and limitations in the way they operate.

There are also significant constitutional limitations in the reach of our Commonwealth unexplained wealth laws.

For example, while the Commonwealth can explore unexplained wealth in relation to people smuggling or drug importation, it is much more difficult for the Commonwealth to link these investigations to state-based offences like murder or theft.

In 2011 the Commonwealth Parliamentary Joint Committee on Law Enforcement commenced an inquiry into the Commonwealth's unexplained wealth legislation.

It reported earlier this year.

It found that a national approach to unexplained wealth laws would be more effective than the current regime.

It recommended that the Commonwealth Government take the lead in developing a nationally consistent unexplained wealth regime.

It also recommended that the final objective of a national unexplained wealth scheme should involve a referral of powers from States and Territories to the Australian Government to legislate for an effective and nationally consistent unexplained wealth scheme.

A referral of power to the Commonwealth would help remove current constitutional limitations and enable the Commonwealth to enact more effective unexplained wealth laws.

Importantly, the intention is not to take away the ability of States to act on unexplained wealth.

Referring these powers is intended to boost the combined powers available nationally against organised crime.

If a referral were made, jurisdictions would be able to retain and use their own unexplained wealth laws. They could also use the Commonwealth laws.

The Attorney-General and I put this request to our State and Territory colleagues at our Ministerial Council meetings in April and October this year.

Unfortunately they have rejected our request to create a national unexplained wealth regime.

This is a bad and short sighted decision. It will mean more criminals will keep more of their illegal wealth.

In the absence of this support, there are a number of other things we can do now.

The Parliamentary Joint Committee made a number of other recommendations on amendments that can be made to improve the operation of the unexplained wealth system.

The Government supports all the recommendations in the report in full or in part, and will formally respond to the Committee report shortly.

This Bill introduces legislation to implement a number of these recommendations.

They include:

- Amendments to prevent restrained assets, which may have been unlawfully acquired, from being dispersed on legal expenses by people who are trying to frustrate an unexplained wealth case. They will instead be able to seek representation through legal aid, as is the case with other proceeds of crime orders.
- Amendments to improve the ability of police to obtain evidence that may assist in establishing whether a person's wealth has been lawfully acquired.
- Amendments to broaden search and seizure provisions in the Act to ensure that material relevant to unexplained wealth proceedings
can be seized by officers executing a search warrant.

- Amendments to allow courts to extend the time limit for serving notice of certain unexplained wealth orders.

These important amendments will make the laws more effective for law enforcement agencies and enable them to better target serious and organised crime.

The Committee made a number of other recommendations which the Commonwealth is also taking action on.

We have implemented the Committee’s recommendation that the Criminal Assets Confiscation Taskforce be prescribed as a taskforce under the Taxation Administration Act 1953 and associated regulations to allow the disclosure of taxation information to the Taskforce for law enforcement purposes.

We are considering the feasibility of allowing the Australian Crime Commission to use its coercive powers in support of unexplained wealth proceedings, as recommended by the Committee.

And we are considering options for improving the process for seeking preliminary unexplained wealth orders to reduce duplication where relevant requirements have already been met at the restraining order stage.

**Conclusion**

This is an important Bill. It targets two key enablers of serious and organised crime – the money they make and the firearms they use.

They are also part of a bigger package of reforms. And there is more to come.

I commend the Bill to the Senate.

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**SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT BONUS) BILL 2012**

The Australian Government recognises that households reliant on income support benefits as their main source of income can find it hard to manage unexpected costs such as urgent repairs on the family car or appliances, bills that are higher than expected, or unforeseeable medical or dental costs.

The Social Security and Other Legislation Amendment (Income Support Bonus) Bill 2012 will give effect to this Government’s 2012-13 Budget commitment to introduce a new supplementary allowance for eligible income support recipients.


This supplementary allowance, the Income Support Bonus, will help over 1 million Australians to manage unanticipated expenses by providing an additional $210 a year to single recipients and $350 to most couples where both partners are eligible.

The Income Support Bonus will be tax free and indexed twice yearly in line with the Consumer Price Index, making sure the payment keeps pace with the real costs recipients might face.

The Bill underlines the Government’s $1.1 billion commitment over the next four years to support eligible recipients of Newstart Allowance, Youth Allowance, Parenting Payment, Austudy, ABSTUDY Living Allowance, Sickness Allowance, Exceptional Circumstances Relief Payment, Transitional Farm Family Payment and Special Benefit.

Eligible Australians, those receiving a qualifying income support payment on 20 March 2013, can look forward to receiving their initial payment with their first income support payment after this date. They will not have to apply to receive the Income Support Bonus and payment will be automatically made to those eligible people.

Income Support Bonus payments will then be made in March and September every year provided the recipient is on a qualifying income support payment on 20 March or 20 September for the respective payment.

For single recipients, the initial payment will be $105, or $210 a year. The payment to most persons who are a member of couple will be $87.50, or $175 a year. As is the case with other
supplements, each entitled member of a couple
separated by illness, or with a partner in respite
care, or with a partner in gaol will be paid at the
single rate of $105.

The Bonus is not separately means-tested
because income and assets tests already apply to
the person's qualifying income support payment,
but will be subject to the existing income
management provisions.

The Government also welcomes today the
Senate Committee's report on the adequacy of the
allowance payment system and will be carefully
considering the report recommendations.

The Government has acknowledged on a
number of occasions that it would not be easy for
a person to live on the current rate of Newstart
Allowance and that many people in our
community are doing it tough.

Combined with related measures such as the
doubling of the Liquid Assets Waiting Period
thresholds, the Income Support Bonus will assist
vulnerable members of our society, including
those on Newstart Allowance, to m
anage
unforseen expenses and increasing costs.

The Income Support Bonus offers assistance to
disadvantaged Australians while being framed
against a background of fiscal prudence, given the
current budgetary considerations of the
Government.

Debate adjourned.

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

COMMITTEES

Constitutional Recognition of Local
Government Committee

Reporting Date

The ACTING DEPUTY PRESIDENT
(Senator Crossin) (17:39): The President
has received a message from the House of
Representatives informing the Senate of a
resolution agreed to by the House extending
the time for the Joint Select Committee on
Constitutional Recognition of Local
Government to present its final report:

That paragraph (13) of the resolution of
appointment of the Joint Select Committee on
Constitutional Recognition of Local Government
be amended to read:

The Committee may report from time to time
but that it present a preliminary report no later
than December 2012 if possible, and a final report
no later than March 2013.

Senator LUNDY (Australian Capital
Territory—Minister Assisting for Industry
and Innovation, Minister for Multicultural
Affairs and Minister for Sport) (17:39): by
leave—I move:

That the Senate concurs with the resolution of
the House of Representatives relating to the
variation of appointment of the Joint Select
Committee on Constitutional Recognition of
Local Government.

Senator JOYCE (Queensland—Leader
of The Nationals in the Senate) (17:39): I
seek leave to make a short statement.

Leave granted.

Senator JOYCE: On the issue of the
constitutional recognition of local
government I think it is very important that
we clearly understand that this referendum is
vitally important but it does not have a leg to
stand on unless Minister Crean starts taking
the issue seriously. This issue has to be
pursued. We have this faux approval of it at
the moment. There is the statement, 'We
believe in financial recognition of local
government but we are not actually going to
put our shoulder to the wheel to make sure
that this thing actually happens.'

If we want to be successful in a
referendum then there has to be a process
and a campaign that has to start now. We
honestly do not know when the election will
be. We hear that, at the latest, it will be on 14
September but, to be honest, with all of the
auctions around here at the moment it could
be much earlier than that. There is no point
in putting up this issue for a referendum if it
is going to get knocked out, and it is going to
get knocked out if you do not have the support of the states. From what I have seen of Minister Crean, he is not doing a valiant job of getting around the states to collect support.

I think it is vitally important, in that we know that local governments want this to happen. But even they have started stepping away from it now, saying that they do not believe that this would be successful in the current environment. If they do not believe it is going to be successful, and they are the peak body representing the constituency that you would think would be desirous of financial recognition of local government, then we have a major issue on our hands. I think about eight out of 44 referendums have ever got up, so the homework has to be done diligently.

I know that there is substantial pushback from a number of states. The role of government is that if they have the ministry, they get paid the big dollars to get out and start talking to these people to allay their fears. It is vitally important that we first make the statement that local governments will remain a vessel of the state, that the states can get rid of them. They can make them bigger and they can make them smaller—they can do what they want; they will never be a vessel of the Commonwealth.

But we have had programs in the past, such as Roads to Recovery, which sends money directly to local governments, and these have been placed under question by such actions as the Pape case, which brought a question mark over them, and then the Williams case, which did vastly more than put a question mark over them. It almost explicitly said that these sorts of payments were not legitimate. There are $8.4 billion over forward estimates allocated to local government by grants, predominantly financial assistance grants for the states, for those who are listening to this. We have a dilemma: is the Commonwealth going to be involved with local governments or not?

If we are going to be involved with them then we have to legitimise that involvement. We cannot live in this twilight zone. If we are not going to be involved with them, if they are genuinely going to be an article of just the states, then the question is of course: what is the purpose of a portfolio that calls into question why you should be engaged in that area? I feel this issue is just stumbling along. It is only an erstwhile conviction that Minister Crean has to get the referendum to succeed, and an erstwhile commitment will most definitely be a failure.

If the referendum were to fail it would be off the agenda for a very long period of time. It would definitely see me out of parliament. So, first and foremost, I say to Minister Crean: if you are fair dinkum about this, get on your bike and start doing some serious work. My call to local governments is: do not think this one is in the bag by a long shot, and you had better start doing some hard peddling yourself. For goodness sake, do not peddle to the areas where people already support you; mount the argument and mount your case in the most articulate way to those who have concerns about this referendum. Neither of those issues has been done with much strength. We see continual lobbying of the people who are already on side but we see a hesitancy for local government and from Minister Crean to actively engage with those who are not onside. The art of politics is to get those who are not on side on side.

They run the agenda called COAG; they are the government. What I am very concerned about at this stage is that we are sleepwalking to a failure, and the failure when it comes will not just be a failure for this term; it will be a failure because it will
be yet another item that will just fall off the agenda and we will never see it again in this term or the next term of government; it will just be gone.

So I put this as a salutary warning that this issue has just the sort of resonance we saw there: in the dead of night, quiet; here it is; 'we have to tick a box for Mr Windsor that we are discussing the recognition of local government' and that is about as far as it goes. Mr Windsor knows that he can have two views: one is that the Greens-Labor Party-Independents alliance will win the next election, and he is justified to fight for that and believe in that. But the reality is, if you look at currently polling that is probably not going to happen. If he wants to drive this agenda—and I think in this instance he is genuine and genuinely wants to see this thing move forward—then he had better jump on his bike too and start pedalling because he is part of the government; they rely on his number. He had better really start banging on the drum to see this agenda pursued as well.

Question agreed to.

Foreign Affairs, Defence and Trade Joint Committee

Membership

Message received from the House of Representatives informing the Senate of the appointment of Mr LDT Ferguson in place of Ms Parke to the Joint Standing Committee on Foreign Affairs, Defence and Trade.

Human Rights Committee

Report

Senator THISTLETHWAITE (New South Wales) (17:47): I move:

That the Senate take note of the report tabled earlier today.

In this first report of the Parliamentary Joint Committee on Human Rights for 2013 the committee has considered 30 bills introduced during the period 19 to 29 November 2012 and 294 legislative instruments registered between 17 November 2012 and 4 January 2013. All bills were introduced with statements of compatibility. Some instruments were not accompanied by statements of compatibility and the committee proposes to write to the relevant ministers seeking advice as to the reason for this.

The committee has decided that 14 bills require further examination and has written to the relevant ministers seeking further information. The committee deferred consideration of the Native Title Amendment Bill 2012 as it is currently the subject of inquiry by two other committees. The committee proposes to take account of evidence placed before these committees where it is relevant to the consideration of human rights concerns raised by the bill.

The remaining 15 bills do not appear to raise human rights compatibility concerns.

The committee has sought further information in relation to 13 legislative instruments before forming a view about their human rights compatibility. It is considering one instrument as part of the package of legislation relating to the Migration Legislation Amendment (Regional Processing and Other Measures) Act 2012.

One hundred and sixteen instruments do not appear to raise any human rights compatibility concerns but are accompanied by statements of compatibility that do not fully meet the committee's expectations. The committee will write to the relevant ministers in a purely advisory capacity providing guidance on the preparation of statements of compatibility. The committee hopes that this approach will assist in the preparation of future statements.

The remaining 164 instruments do not appear to raise any human rights compatibility concerns and are accompanied
by statements of compatibility that the committee considers to be adequate. The committee has considered 11 ministerial responses to comments made in previous reports and has concluded its examination of these pieces of legislation.

I would like to make some brief remarks regarding common issues that the committee is observing in bills that come before it. The committee notes that there has been a trend in recent bills towards creating standardised civil penalty regimes. This is given its clearest effect in the model provisions contained in the Regulatory Powers (Standard Provisions) Bill 2012, which the committee considered in its sixth report of 2012. Four bills considered by the committee in this report contained provisions of this nature and provide an opportunity to reflect on the effect of the Regulatory Powers (Standard Provisions) Bill 2012. Those bills are the Agricultural and Veterinary Chemicals Legislation Amendment Bill 2012, the Biosecurity Bill 2012, the Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Bill 2012 and the Superannuation Legislation Amendment (Reducing Illegal Early Release and Other Measures) Bill 2012.

The committee considers that civil penalty regimes raise concerns because there is a tendency for the consideration of the impact of such bills on human rights to focus on the description of the offence as civil penalties. However, as the committee remarked in its fifth report of 2012, it is possible for a civil penalty regime to constitute a criminal charge. The committee noted that the approach under international and comparative human rights law has been to look at the substance and effect of proceedings, not just their label.

The committee notes that, in determining the question of whether an offence is a criminal offence, international jurisprudence has identified that the following factors are to be taken into account: firstly, the classification of the act in domestic law; and, secondly, the nature of the offence, the purpose of the penalty and the nature and severity of the penalty. The committee is concerned that, where the effect of such provisions has not been adequately considered, there is a risk that the provisions will not have been tested against the criminal proceedings rights in article 14 of the International Covenant on Civil and Political Rights. This in turn can give rise to issues regarding the standard of proof for such offences and the potential for double jeopardy, where a person may be subject to two penalties in relation to the same conduct. I draw the attention of the Senate to the committee's comments in relation to the civil penalties provided for in these four bills. I recommend the report to the Senate.

Question agreed to.

REGULATIONS AND DETERMINATIONS

Migration Amendment Regulation 2012 (No. 5)
Disallowance

Senator HANSON-YOUNG (South Australia) (17:53): I move:

That the Migration Amendment Regulation 2012 (No. 5), as contained in Select Legislative Instrument 2012 No. 230 and made under the Migration Act 1958, be disallowed.

I am seeking to disallow Migration Amendment Regulation 2012 (No. 5) for a number of reasons. This regulation amends the migration regulation so that any person who arrives by boat cannot seek family reunion under the Special Humanitarian Program.

This was a policy that was used by John Howard and his government as part of his
own deterrent policies, and it has now of course been adopted by the Gillard government as part of Labor's very own Pacific solution mark II. It did not work under John Howard; in fact, it forced more mothers and children onto dangerous boats. And we know that during the SIEV X tragedy it was mostly women and children who died when that boat sunk. It was very much a direct correlation to the lack of family reunion provisions as introduced by John Howard. I am extremely concerned that we are about to see—in fact, we already are seeing—the exact same trend happening again under Labor's own policy to push away family reunion for those very desperate people who happen to arrive here on our shores. The regulation change is punitive and discriminatory. As refugees are unable to return to their country of origin, if family reunion is not available for those who return by boat as a blanket rule, then there is the potential that some refugees may permanently be separated from their families. This of course for those who are left in very dangerous circumstances forces them to take the only option they have and that is to board a boat.

It is discriminatory because it treats people differently based on their mode of arrival. This is a direct breach of Australia's obligations under the refugee convention. We are meant to treat people on their need for protection not on how they arrive, and yet the cruellest and nastiest part of this type of policy, Julia Gillard and John Howard's policy, is that many of the people—in fact most—who come to Australia by boat as their only option are found overwhelmingly to be in genuine need of protection and to be refugees. They take that journey because it is the only option they have available to them.

If the Australian government does not settle enough people directly from camps around the world from places in our region such as Indonesia and Malaysia, people have no other option but to take that dangerous boat journey. The government has not given them a safer option and now they are about to force their family members to come by boat as well, just like under John Howard.

The regulations have a very detrimental effect on the welfare and support for unaccompanied minors in particular. Unaccompanied minors will no longer have access under this regulation to bring their family members to Australia under the Special Humanitarian Program. There is no alternative being put in place for them.

I have spoken in this place many times about the plight of those who are here as young people, as children, unaccompanied, and how desperate they are to bring their only surviving, if they have any, family members to Australia to be here safely with them. Under these changes to the migration regulations, those children will be condemned to being on their own virtually for years and years and perhaps even forever. It is cruel. It is mean, and it has not stopped anybody taking a dangerous boat journey.

Most importantly, the biggest concern is that this does not discourage people, because there is no other option being put in place; it is only going to encourage families who are so desperate to be safe together to take different journeys to get to Australia, risking even more lives in the process.

These regulations remove policy concessions for immediate family applicants in order to reduce the size of the special humanitarian backlog. We already know that there is a waiting list of over 20,000 people in this current family reunion application process and we are only resettling a small number of people on this 26-year waiting list. If you are a young family and if you have had to flee the Taliban, you cannot wait 26 years to get the rest of your family out.
here. No wonder we have more people coming to Australia by boat. We are increasingly seeing more women, children and young people taking these dangerous boat journeys because no other option has been put in place.

Last year, despite all the hoopla, all the fanfare and all the hysteria from the Labor government and the opposition in relation to this issue of how mean and nasty our policies had to get in order to deter people from taking dangerous boat journeys, we only took 714 people directly through the Special Humanitarian Program. We only took 714 people in an entire year through direct resettlement, through the family reunion process. No wonder hundreds of others have had to find another way, because they are running from war, persecution and torture. Many of them have had to wait in countries like Malaysia or Indonesia for years and years. Many of them, in fact, have already been assessed as genuine refugees by the UNHCR.

When I was on Manus Island last week, I spoke to a number of the refugees there. A number of them had already been found by the UNHCR in Malaysia to be genuine refugees. They had been registered by the UN and they had waited in Malaysia for six years or more, and yet they had never had the opportunity to be resettled. They were not safe while they were waiting there. I was told stories of raids, imprisonment and harsh punishment of people who had been found to be refugees and who were caught by the Malaysian authorities. There was the risk of deportation. It was not a safe place to stay, despite the fact that they all held UNHCR recognised refugee cards. One family I spoke to had waited for six years in Malaysia. And, when it all got too much, when it got too dangerous, they decided that the only option they had was to come to Australia by boat. They have now been locked, offshore, out of sight, out of mind, on Manus Island. They have been told they have to wait in line because of the no-advantage rule—which, we hear the government say, is about five or six years. But they have already waited five or six years in Malaysia. They have already been recognised as genuine refugees, they have waited there, and no one helped them. And now we have locked them up. Under these regulations, if they continue, people who find themselves in that position are not allowed to bring out their mother, their wife, their daughter, their son, their children. So of course those people are going to take more dangerous boat journeys.

As I mentioned, we have seen before what a failure this policy is, under John Howard's government when he did this exact same thing. People who Australia has accepted need protection have been given refugee status but have been stopped from being allowed to bring their family members. We have seen what a failure this was, because we saw the tragedy of SIEVX. Eleven years ago, 146 children drowned when the SIEVX sank, and that was precisely because fathers and brothers were not able to sponsor their families and to be reunited.

One of the other interesting things about the numbers of people we have seen arrive since the Labor government and Tony Abbott's opposition got together and ripped out all meaning of humanity under our immigration laws and we saw the reincarnation of the Pacific solution under the management of Julia Gillard is all of the thousands of people—almost 10,000—who have come by boat since 13 August. They have not been deterred by these harsh policies. They have not stopped having to flee war because Australia decided to grow a heart of stone and close the doors. They have not stopped having to search for safety. Out of those 10,000 people who have arrived, a significant number of them are people who
already have family members here in Australia. They have had to come by boat because we have not given them a safer option. So rather than punishing vulnerable refugees—rather than shutting the doors and saying no—we should be giving people a safer option and a safer pathway, yet all we continue to hear from Julia Gillard and her ministry, backed up by the opposition, is the constant rhetoric of hate and cruelty. All we see is Julia Gillard and the Labor government locked in a race to the bottom, chasing Tony Abbott back down the same dangerous, extreme, irresponsible path that John Howard and Philip Ruddock took us down only a decade ago.

There are many, many reasons to be concerned about these regulations, but my main concern is that this is going to put more lives at risk and more families in distress and, rather than deter people, force them to take those dangerous boat journeys, because that is now the only way they are going to get here. They will be thrown in detention, they will be punished and they will go through all of that suffering, but families do amazing things in order to stick together. When they have been in a country full of war, persecution and torture, and when they have had to cling together in order to survive, these families will do whatever it takes in order to be with their sons, daughters, wives, husbands, brothers and sisters. So there is no deterrence factor in this. It is a backward policy. It is a dangerous policy. It has been proven to fail before. It has not just been proven to fail in terms of deterrence; it has led to the direct loss of life at sea. Yet here we are, despite knowing all of that, 10 years on, seeing the Labor Party introduce John Howard's legislation and regulations all over again.

I just want to be very clear about how condemned this change of regulation is. There are many, many people and organisations who understand these issues very well, talk to these groups in the community all the time, understand the desperation that these families are in and have expressed their disappointment at the Labor Party introducing these changes. They have strongly suggested that this regulation be disapproved, as I am moving today. There is a long list of those organisations. They include Amnesty International; the Asylum Seeker Resource Centre; Asylum Seekers Christmas Island; the Asylum Seeker Welcome Centre; Bridge for Asylum Seekers Foundation; Balmain for Refugees; CASE for Refugees; the Centre for Human Rights Education at Curtin University; ChilOut; the Coalition for Asylum Seekers, Refugees and Detainees; the Darwin Asylum Seeker Support and Advocacy Network; the Human Rights Law Centre; the Hotham Mission Asylum Seeker Project; the International Detention Coalition; the UNHCR; and the Australian Council of Trade Unions. Malcolm Fraser has recognised how dangerous this is. There is an enormous list of people who understand and have not forgotten how dangerous, irresponsible and cruel this policy was last time it was introduced. Despite all of the evidence, despite the fact that no-one has stopped coming since 13 August—we are now at an absolute peak point of 10,000 refugees locked in immigration detention—despite the boats not slowing, despite people still coming and despite all of the evidence about how dangerous this regulation is and how much it has failed and risked lives in the past, the government wants to keep steamrolling ahead. This is why members of the community around this country are questioning what on earth has happened to the Labor Party. What are their values? What do they stand for? Because this represents nothing that kind-hearted, intelligent, hardworking supporters of the Labor Party
thought that Labor stood for. This is John Howard's policy. This is Tony Abbott's policy. This is about cruelty and irresponsibility. It is a knee-jerk reaction to the most base politics. This is about forcing families and children onto dangerous boats. It is not going to save anybody's life at sea; it puts them more at risk. When people ask what one earth has happened to the Labor Party, you just have to shake your head and think they have absolutely lost their way. This regulation should not go ahead and that is why I have moved the disallowance.

Senator CASH (Western Australia) (18:10): I rise to speak to the motion to disallow the Migration Amendment Regulation 2012 (No. 5) and to indicate that the coalition will not be supporting the disallowance motion.

Whilst the coalition remains critical of the government in contracting out its responsibilities in this important portfolio area to the Houston panel, we do recognise, as we have said on numerous occasions in both this place and the other place, that the government is clearly severely limited in relation to the development of policy in this important area, and as such it has been rendered completely incapable of discharging its fundamental duties. As we know, it contracted out its policy duties to the Houston panel, which eventually involved the tabling of the Houston report.

The coalition acknowledges the findings of the Houston report and we acknowledge that they effectively endorse the former Howard government's strong border protection policies. The current government, whilst performing what is now known as the greatest political backflip of all time when it comes to a policy in this place, is now going some way towards accepting the recommendations of the Houston report. In fact, this regulation that we are debating that is the subject of the disallowance motion is part of the government's effort to follow through on one of the recommendations of the Houston report. As such, given that the Houston report generally follows the substance of the Howard government's policies when it comes to protecting Australia's borders, as I stated, the coalition will not be supporting the disallowance motion.

The regulation itself, although not perfect by any means, does take a small step towards protecting some of the places available in the offshore humanitarian program from onshore asylum seekers and their family members. Ensuring that the family members of onshore asylum seekers are required to apply for family reunion through the general migration program and that they do not take places in the humanitarian program through the split family provisions is a small step, but it is a small step that is in the right direction and is moving effectively towards what were the former Howard government policies. On that basis we support this very small step.

It does have to be noted, however, in debating the disallowance motion, that this regulation in no way restores temporary protection visas. The coalition is on the record saying time and time again that we believe that temporary protection visas are the appropriate mechanism, the most effective form of policy, that a government puts in place if it truly wishes to deny people access to family reunion. We have stated time and time again to the Australian public that if and when we are again given the privilege of governing Australia, one of the first things that we will do in restoring integrity to Australia's borders is that we will reintroduce temporary protection visas.

The government's policy is reflected in this regulation. In her comments in the chamber, Senator Sarah Hanson-Young was
actually wrong. It is not surprising that Senator Hanson-Young was wrong. Senator Hanson-Young stated that people coming here by boat will no longer get access to family reunions. That is just blatantly wrong, and shows a complete misunderstanding of the immigration system. People still will be able to get access to the family reunification program; they will just have to apply for it under a different scheme. This regulation does not stop people, despite the words of Senator Hanson-Young, from obtaining access to family reunification.

That is why the coalition is critical of this regulation, because we say that it does not go far enough. Whilst the government takes with one hand to make it look to the Australian people that it is actually making a strong decision, on the other hand it has quietly increased the number of places available in the general family reunion program over the next four years to the tune of 16,000 places. So I am not quite sure how Senator Hanson-Young stands in this place and makes what is a totally incorrect statement in relation to this particular regulation. By this regulation, all the government is doing is shifting the ability to obtain family reunification from one stream of the migration program to another stream of the migration program.

Further proof of that is found in MYEFO, which included an extra $55 million of taxpayers’ hard earned money to provide more family reunion places for people who enter Australia illegally on boats. This means that those who arrive in Australia by boat and who are granted a permanent visa will still be able to access the family reunification program. The only change that has been made by the Labor government is that they will now have to pay a fee and they will have to fill out a different form. Again, for Senator Hanson-Young to stand here and say that by this regulation there is no longer any access to the family reunification program either is wrong or shows a complete misunderstanding of the way immigration works in Australia.

All the regulation does, despite the rhetoric of the Labor Party in saying to the people of Australia, ‘We are tough and we are stopping people from having access to the family reunification program,’ is to create a process which actually enables quite ready access to the family reunification program. But, as I said, all the Labor Party has done here is to take with one hand but offer the exact same thing on the other hand. The proof there is the additional 16,000 places over four years in the family reunion program, and the fact that in MYEFO the government dedicated $55 million to these additional places.

What you have here is, yet again, another very clear example of the Labor Party’s spin over substance. They say they are getting tough on illegal immigrants in one breath, whereas with the other breath they just create the exact same problem.

As I have stated, the Houston report recommended this step; the Houston report has effectively endorsed coalition policy. The Labor Party have adopted the Houston report themselves, which means they are well and truly moving towards the former Howard government’s policies on border protection. The coalition certainly welcomes the fact that members of the Labor Party have stood with the coalition to vote for what effectively are the former Howard government’s policies on border protection. And whilst this regulation is only a small step along the way, it is certainly a step in the right direction. On that basis the coalition will not support the disallowance motion.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (18:20): I can indicate
also that the government does not support the Greens proposal to disallow the Migration Amendment Regulation 2012 (No. 5). The purpose of that regulation is to amend the Migration Regulations 1994 to further implement recommendations made by the Report of the expert panel on asylum seekers, a report that was accepted by the government. Principally, this was to do two things: firstly, preventing persons who became irregular maritime arrivals after 13 August 2012 from being eligible to propose family members for entry to Australia under the humanitarian program and, specifically, from the Refugee and Humanitarian (Class XB) visa; and, secondly, amending the criteria to be considered for existing applications when determining whether there are compelling reasons for certain people applying for a class XB visa. The regulation gives effect to recommendations 1, 11 and 12 of the Report of the expert panel on asylum seekers. In summary, recommendation 1 relates to the application of a 'no advantage' principle to ensure that no benefit is gained by irregular maritime arrivals through circumventing regular migration arrangements. Recommendation 11 is that the current backlog in the Special Humanitarian Program be addressed through removing family reunion concessions for proposers who arrive through irregular maritime voyages. In recommendation 12, the panel recommends that future irregular maritime arrivals should not be eligible to sponsor family under the Special Humanitarian Program. Instead, family reunion for these irregular arrivals should be achieved through the family stream of the migration program. The regulation is a key part of the government's response to the recommendations of the expert panel, which aim to prevent asylum seekers from risking their lives by sea by shifting the balance of risk and incentive in favour of regular migration pathways and established international protections.

The regulation acts as a circuit-breaker to reduce the attractiveness of Australia as a destination for irregular migration. It does so by abolishing the special family reunion concession—a concession that asylum seekers who were granted protection visas have enjoyed for the last 15 years—for asylum seekers who arrived after 13 August 2012. The regulation does not punish or disadvantage protection visa holders. It puts them back on an equal footing with other Australian permanent residents and citizens who apply for family reunion under the regular migration program.

Senator Joyce interjecting—

Senator FARRELL: Are you okay, Senator Joyce?

Senator Joyce: I was just wondering if you could do this at around half past 10 at night—I do have trouble getting to sleep these days!

Senator FARRELL: Disallowing the regulation would re-establish a magnet for irregular maritime travel to Australia, predictably leading to more children being sent alone on perilous journeys to Australia, and to more deaths of asylum seekers at sea. Applications by families overseas proposed by adults who arrived by boat before 13 August 2012 will now be given the lowest processing priority and only the most compelling applications will be granted a humanitarian visa. It is expected that the majority of applicants will need to apply and wait their turn for a visa in the family stream of the migration program in the same way as family of other Australian permanent residents and citizens. This option is still cheaper and certainly safer than using a people smuggler. Additionally, the processing times are often faster than under the humanitarian program.
An additional 4,000 places will be made available in the family stream to accommodate the increase in demand for visas. This is a significant improvement on the 750 places that were available under the Special Humanitarian Program for family reunion last year. Unaccompanied humanitarian minors who arrived before 13 August 2012 will continue to have access to the family reunion provisions in the humanitarian program as they have limited viable options under the migration program. Unaccompanied humanitarian minors who arrived after 13 August 2012 will not have access to family reunion in the humanitarian program.

A statement of compatibility with human rights has been completed for the regulation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011. The statement's overall assessment is that the measures in the regulation are compatible with human rights because they are consistent with Australia's human rights obligations and, to the extent that they may also limit human rights, those limitations are reasonable, necessary and proportionate. Australia considers that it is a necessary, reasonable and proportionate measure to achieve the legitimate aim of preventing these arrivals from making the dangerous journey to Australia by boat.

The amendments seek to prevent people including minors from resorting to potentially life-threatening means to achieve resettlement of their families in Australia. This goal, and the need to maintain the integrity of Australia's migration system and protect the national interest, are primary considerations. The Australian government will not provide a separate pathway to family reunification that will allow people smugglers to exploit children and encourage them to risk their lives on dangerous boat journeys. It is only this government that is fully committed to the delivery of a proper and sustainable regional solution through the full implementation of the recommendations by the expert panel which was led by Angus Houston. This is now a responsible government development policy; listening to the advice of experts. No-one should doubt the government’s commitment to implementing the 22 recommendations of the expert panel to break the people smugglers' business model and to stop people dying at sea. I commend senators to vote against this disallowance motion.

The ACTING DEPUTY PRESIDENT (Senator Crossin): The question is that the disallowance motion moved by Senator Hanson-Young be agreed to.

The Senate divided. [18:32]

(The Acting Deputy President—Senator Crossin)

Ayes ...................... 9
Noes ...................... 32
Majority.............. 23

AYES

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

NOES

Back, CJ
Bilyk, CL
Bishop, TM
Boyce, SK
Brown, CL
Cameron, DN
Cash, MC
Collins, JMA
Crossin, P
Edwards, S
Farrell, D
Furner, ML
Gallacher, AM
Joyce, B
Marshall, GM
McEwen, A
McKenzie, B
McLaren, J
Moore, CM
Parry, S
Polley, H
Pratt, LC
Ruston, A
Singh, LM
Rhiannon, L
Stephens, U
Sterle, G
Thistlethwaite, M
Thorp, LE
Urquhart, AE
NOES
Williams, JR (teller)       Xenophon, N

Question negatived.

BILLS

Water Amendment (Water for the Environment Special Account) Bill 2012

In Committee

Debate resumed.

Senator XENOPHON (South Australia) (18:37): by leave—I move amendments (2) and (3) on sheet 7315 together:

(2) Schedule 1, item 2, page 7 (after line 17), after subparagraph 86AD(2)(a)(iv), insert:

(iva) undertaking research and development relevant to the use and management of the Basin water resources;

(ivb) adopting emerging technologies to better use and manage the Basin water resources;

(3) Schedule 1, item 2, page 8 (after line 5), after subsection 86AD(2), insert:

(2A) In debiting amounts for the purposes of making payments in relation to projects mentioned in paragraph (2)(a) or (c), priority is to be given to:

(a) projects that will produce the maximum guaranteed increase in the volume of Basin water resources that is available for environmental use within the shortest time; and

(b) projects that involve the adoption of emerging technologies to better use and manage the Basin water resources.

These amendments relate to the kinds of projects and the priority of projects. In my second reading contribution on this bill last night, I did make mention of the fact that there seems to be a dearth of rigour in the way that projects are allocated, and this particular amendment is to give a priority to projects that maximise the impact to the environment and do so in the most economically effective manner possible.

That is effectively what this amendment is about. Yesterday, when I spoke in the second reading contribution, I spoke of the difficulty of Dave and Anita Riley from the Riverland in getting funding for their pioneering work on date palms, which has enormous potential as an industry in the Murray-Darling Basin because once they are established they are virtually drought proof. The Rileys have received awards from the Middle East for their work. What this amendment proposes to do is to ensure that there is a structure and mechanism in place for projects to get priority based on the return they can give to the environment but also to put an emphasis on R&D and innovation and to acknowledge the early adopters of water efficiency measures.

Senator HANSON-YOUNG (South Australia) (18:38): I indicate that the Greens will be supporting Senator Xenophon's amendments.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (18:38): We had an inclination that there were two areas of the amendment that we could have changed to get to a position where we would support it, but we cannot support three, so we will not be supporting this amendment.

Senator XENOPHON (South Australia) (18:39): Uncharacteristically for Senator Joyce, I could not hear him. I could not hear that big, beautiful, booming voice of his. It was not clear; maybe it was the microphone because Senator Joyce's elocution is usually so perfect.

The CHAIRMAN: Senator Joyce, if you are so inclined, would you like to repeat your remarks?

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (18:39): I am only too happy to break into song—into an aria—for Senator Xenophon! What I was going through with the people up this end of
the chamber beforehand was item 2. Upon reading it, I was thinking, 'This is close; this is something we possibly could support,' knowing that, if we did and we had the numbers, the bill would then bounce back to the other place. We could not support item 3—definitely not. On a further reading of item 2 we decided that it started to wander off into an area that we probably could not support. We would actually have to sit down with you and change it, but that is not going to happen now so we will be succinct and say that we are not supporting it.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (18:40): I indicate that the government does not support this amendment either. As I have said quite a few times today, there is a package arrangement. We are very keen to proceed with the legislation and we do not support this amendment.

Senator XENOPHON (South Australia) (18:40): I am grateful to Senator Joyce for that more elaborate explanation. I am grateful to the Australian Greens for their support. I would like to put this on the record so that we know what we are talking about here. The first part of the amendment, which the coalition, as I understand it, thought of supporting but did not quite get there—close but no cigar—would allow for an undertaking of research and development relevant to the use and management of the basin's water resources and the adoption of emerging technologies to better use and manage the basin's water resources. I think it is fair to say, without verballing Senator Farrell, that the position of the government is: 'The deal has been done and we do not want to know about anything else.' Can the government please tell us what mechanisms there are to take into account emerging technologies and research and development so that we can be the best of the best when it comes to water efficiency—the sorts of things that Professor Mike Young, one of Australia's pre-eminent water experts, has talked about in the past?

We can be world leaders in adopting water-saving technology measures and having a level of R&D so that we can go further. Particularly in the Riverland in South Australia, where they have already adopted a number of water-efficiency measures over many years, their only way to survive will be to adopt and be at the forefront of these emerging technologies. So how will the plan deal with these issues of research and development and the adopting of emerging technologies?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (18:42): As you well know, Senator Xenophon, I am quite familiar with this particular place that you refer to in the Riverland. I am very familiar with the good work that they do up there. But I think it is fair to say that I do not think any government in Australian history has committed as much money to a range of water-saving measures as this government. Admittedly we did it because of the dreadful circumstances that existed in what I think is generally now known as the Millennium Drought, but we committed a huge amount of money to coming up with water-saving programs. Some of that involved new technologies. I am in a privileged position because urban water is one of the areas I look after, and I think it is fair to say technologies that we have developed through that 10-year drought are now being picked up by countries all around the world. We are selling a lot of our technologies. So there is a heap of work being done out there right now with money that the federal government is providing by way of grants, generally met with equal amounts of funding from other organisations like states, councils and
individual companies. If you look at the work that this government has done in terms of trying to encourage innovative ideas with federal funding then I think we have a really good story to tell. So I have no hesitation in saying to you, Senator Xenophon, that we have an arrangement here and we want to stick to that arrangement. There are lots of other areas where this government is doing really good work on new technologies with water saving. We want to get this bill through. We want to restore the environmental conditions of the Murray-Darling. We want to get those Murray-Darling communities back to good health. That is what we are doing with this legislation. There are plenty of other things we are doing right now around Australia in the area you are talking about in seeking these amendments.

Senator XENOPHON (South Australia) (18:45): The response of the Parliamentary Secretary for Sustainability and Urban Water reminds me of that British sitcom line: 'Never mind the quality, feel the width.' It is not a matter of how much you are spending; it is how you spend it. I appreciate what the parliamentary secretary said, and I think it is fair to say that the money committed by this government is in fact a continuation of the money committed by the previous government. The amount is the same—

Senator Farrell: We are spending it better.

Senator XENOPHON: Senator Farrell's very helpful interjection was 'we're spending a better'. Well, I am just trying to help you spend it better by having allowance in the bill through these amendments: having research and development relevant to the use of management of basin water resources, adopting emerging technologies and, further, looking at projects that will produce a maximum guaranteed increase in the volume of basin water resources available for environmental use within the shortest time, including projects that involve the adoption of emerging technologies to better use and manage the basin water resources. That is what this is doing. I know that Senator Joyce wants to make a contribution on this, but the issue here is that unless and until we give appropriate precedence to emerging technologies in the Murray-Darling Basin Plan, my fear is that we will see a continuation of the Commonwealth Auditor-General saying that we are not spending money wisely or that the processes are inadequate.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (18:47): If you can hear me down there, just wave.

Senator Xenophon: I can hear you, Senator Joyce!

Senator JOYCE: Good. Not wanting to be a smart alec but to assist the minister somewhat, if you go to schedule 1 of the water amendment legislation, in 86AD(2)(a)(i) and (ii) you will note that they already talk about 'improving the water efficiency of the infrastructure that uses basin water resources for irrigation' and 'improving the water efficiency of any other infrastructure that delivers, stores or drains basin water resources for the primary purpose of providing water for irrigation'. On that purpose, we had something of a similar nature to what you have set out in the section which we were inclined to support. The reason we were inclined to support it was that it was already in the act. However, by supporting that section, if we sat down and amended it that would have meant that the bill would bounce and go back to the lower house. From what we can gather from your section (2) compared with what is already there, we believe that, although we are philosophically on side, it would be an
addition that replicates what is already there but the purpose of that addition would mean that the bill then goes back to the lower house, comes back here and is tied up. So, for the purpose of trying to work with the government to get this through, we thought that, even though item (2) warranted support, it did not warrant it to the extent that we would get an extension of the capacity of this bill beyond what is already there, but it would bring about this bill wandering off.

The DEPUTY PRESIDENT: The question is that amendments (2) and (3) on sheet 7315, moved by Senator Xenophon, be agreed to.

Question negatived.
Progress reported.

DOCUMENTS
Consideration
The government documents tabled today and general business orders of the day relating to government documents were called on but no motion was moved.

ADJOURNMENT
The DEPUTY PRESIDENT: Order! There being no consideration of government documents I propose the question:

That the Senate do now adjourn.

Gilbert, Mr Edward (Eddie)

Senator FAULKNER (New South Wales) (18:50): Thirty-five years ago the great Aboriginal fast bowler Eddie Gilbert died. Eddie Gilbert was a Queensland Aborigine and first-class cricketer famous for his exceptionally fast bowling and remembered for taking the wicket of Don Bradman for a duck in a Sheffield Shield match between Queensland and New South Wales in November 1931. Gilbert was a pioneer of first-class Aboriginal cricket in Australia. His name is synonymous with other champion Aboriginal cricketers from the late 19th and early 20th century such as Twopenny, Johnny Mullagh, Alec Henry and Jack Marsh.

Eddie Gilbert was born on 1 August 1905 in Durundur settlement near Woodford, Queensland. At the age of three he was moved by state authorities to the government-run Barambah Aboriginal Reserve, now Cherbourg. He played cricket from a young age and developed a sharp pace, assisted by long, powerful limbs and a flexible wrist action which he attributed to years of boomerang throwing. His action was unorthodox and explosive, generating blistering pace off a very short run—just four or five paces. After playing with the Queensland Colts XI in 1930 and developing a reputation for almost unplayable pace, Gilbert was selected for the Queensland Sheffield Shield team in 1931. Being an Aboriginal cricketer in the 1930s, Gilbert had to overcome many obstacles over the course of his cricketing career; not the least were restrictions imposed by the Aborigines Act 1897, requiring him to have written permission to travel from his Aboriginal settlement each time he played in a first-class match for Queensland.

Gilbert's most famous achievement occurred on 6 November 1931. The venue was the Brisbane Cricket Ground. His opponents: the formidable New South Wales team who were looking for an easy victory over the Sheffield Shield minnows, Queensland. The Don was in peak form, widely regarded as the best batsman in the world, having just returned from a triumphant test tour of England, where he scored one century, two double centuries and one triple century. His last score against Queensland was an epic 452 not out at the Sydney Cricket Ground.

In Eddie Gilbert's biography, Mike Colman and Ken Edwards describe Gilbert's
opening over of the match. His first delivery had talented right-handed opener, Wendell Bill, caught behind for a golden duck. The Daily Mail reported that the cheer of the crowd could have been heard blocks away. The incoming batsman, Don Bradman, received a mighty ovation as he made his way to the middle. Gilbert's second delivery was confidently blocked by the Don. The pace of Gilbert's third ball surprised Bradman; slightly short of a length, the ball clipped the peak of Bradman's cap as he lost his balance and fell backwards. Ball four sailed safely over Bradman's head through to the keeper. Ball five was delivered with such unbelievable pace that it knocked the Don's bat out of his hands as he attempted to hook. The crowd was hushed. The great Don Bradman looked rattled. The sixth ball of the over saw Bradman attempting to hook again, only to edge the ball into the gloves off debutant wicketkeeper Len Waterman. New South Wales captain Alan Kippax played out the over. The Don later said it was the fastest bowling he had experienced in his career and that Gilbert's bowling was unhesitatingly faster than anything seen from Larwood or anyone else.

The Don had his revenge four years later, plundering 233 runs from Gilbert and the Queensland bowling attack on a flat Adelaide track. But Gilbert would have the last say, claiming the Don's wicket on the seventh ball of his spell the following year in Brisbane. The Don made 31.

Gilbert's sporting success certainly opened doors in Australian society that were firmly closed to the majority of Aborigines. But, like other Aboriginal sporting greats, dealing with racism was a constant battle. Gilbert dealt with discrimination in selection policies and from team mates, his opposition and umpires. Like two other great Aboriginal bowlers, Alec Henry and Jack Marsh, Gilbert's bowling action was under constant scrutiny. He was called 13 times for throwing in three overs by an umpire during a match between Queensland and Victoria at the Melbourne Cricket Ground, forcing his captain to take him off.

Alan McGilvray, the voice of Australian cricket, said he had, 'absolutely no doubt' that Gilbert was 'the fastest bowler I ever saw', and that in relation to his bowling action, 'it was hard to tell whether he actually chucked or not, because he let the ball go with such a fling of his right arm you got precious little sight of it.'

In 1936, after six years, 23 first-class games, 87 wickets at an average of 28.98 and six five-wicket hauls, Gilbert retired from first-class cricket. After cricket, Gilbert struggled. He developed serious addictions to alcohol and gambling and his relationship with family and friends broke down. The once-celebrated fast bowler died at Wolston Park mental hospital on 9 January 1978.

Today, the Eddie Gilbert Perpetual Trophy, contested by teams representing the Queensland Police and Wolston Park Centenary Cricket Club, is played in his honour. In 2007 the Queensland government and Queensland Cricket commissioned a headstone to mark Eddie Gilbert's grave in Cherbourg. That is a fitting tribute to a true Australian champion.

International Day of Zero Tolerance to Female Genital Mutilation

Senator CASH (Western Australia) (18:58): As the coalition spokesperson for the status of women I rise in the Senate this evening to acknowledge that today, 6 February 2013, is the International Day of Zero Tolerance to Female Genital Mutilation.

Female genital mutilation, as defined by the World Health Organization and the United Nations, is the 'partial or total removal of the female external genitalia or
other injury to the female genital organs for non-medical reasons.' The World Health Organization estimates that between 130 and 140 million girls and women in the world today have been subjected to this brutal practice, with some three million girls at risk of undergoing the procedure this year alone. An article by Erica Weir published in the Canadian Medical Association Journal in 2000, had this to say on the subject:

...many still see this tradition as an effective and acceptable method of controlling women's attitudes toward sex and sexuality and of ensuring their virginity and suitability for marriage.

There are four internationally recognised forms of female genital mutilation. None of them are nice and none of them are very well known, especially to people like us who live in the Western world and, quite frankly, in the luckiest country in the world. It is, however, important that each of us has an understanding of exactly what a young girl or a young woman goes through or has gone through when she is subjected to female genital mutilation. Type 1 refers to the partial or total removal of the clitoris. Type 2 includes removal of the clitoris along with the labia minora. Type 3 is removal of both of these elements, with the addition of the stitching and fusing of the outer labia, in what is called infibulation. Type 4 includes all other harmful procedures on the female genitalia.

In most cases, these procedures are carried out on girls between infancy and 15 years of age, without anaesthetic and traditionally by someone with little to no formal medical knowledge. Common tools of the trade can be anything from knives and razors to scissors. Along with the ideas of maintaining a woman's virginity before marriage, and controlling her attitude towards sex and sexuality, this practice has often been associated with cultural ideas of femininity and modesty. By removing the parts of the body that are deemed as 'unclean' or 'male', a girl or woman is then seen to be both 'clean' and 'beautiful'.

Female genital mutilation has been categorised as a breach of the human rights of both girls and women, with the World Health Organization writing:

FGM is recognised internationally as a violation of the human rights of girls and women. It reflects deep-rooted inequality between the sexes, and constitutes an extreme form of discrimination against women. It is nearly always carried out on minors and is a violation of the rights of children. The practice also violates a person's rights to health, security and physical integrity, the right to be free from torture and cruel, inhuman or degrading treatment, and the right to life when the procedure results in death.

Female genital mutilation also brings with it serious and significant health risks, both in the short and long term. Short-term side effects include severe pain, shock, haemorrhage, bacterial infections—including tetanus and sepsis—urine retention and open sores and wounds in the genital region. Long-term physical effects include recurrent infections of the bladder and urinary tract, infertility and an increased risk of birth complications and deaths of newborns. Negative psychological consequences have also been documented amongst women who have undergone female genital mutilation, which include post-traumatic stress disorder, anxiety, depression and psychosexual problems. Women who have undergone the practice are also likely to require further surgery as a result, especially those subjected to infibulation. Defibulation, which is a cutting process, is required to reopen the outer labia to allow for sexual intercourse, and is then further cut to allow for childbirth. In some instances either the woman or her family will request that reinfibulation—in other words, stitching back up—occur after childbirth. The woman will then be subjected to the process of defibulation and then
reinfibulation surrounding childbirth and this will happen time and again throughout a woman's lifetime. Each time the process is undertaken the risks of infection and complications and ultimately death of the woman are increased.

The World Health Organization, while today highlighting the plight of women who have undergone, or will undergo, female genital mutilation—as I stated, three million girls this year are at risk of undergoing female genital mutilation—is particularly focusing this year on the International Day of Zero Tolerance to Female Genital Mutilation on the worrying global trend that is seeing healthcare providers performing the procedure, which can only contribute to the legitimisation of the process and help to maintain its practice. The World Health Organization defines the medicalisation of female genital mutilation as 'situations in which FGM is practised by any category of healthcare provider, whether in a public or private clinic, at home or elsewhere. It also includes the procedure of reinfibulation at any point in time in a woman's life.' When I refer to healthcare providers, it has to be remembered that this practice has been reported in most parts of the world but is most prevalent in 28 countries in Africa and some parts of Asia and the Middle East. So I do not want people to think that healthcare providers in Australia regularly do this. To explain why healthcare providers have increased in their willingness to undertake FGM practices, the World Health Organization explains that parents are probably motivated to seek healthcare providers to perform FGM due to an increased awareness of the health risks associated with this practice. So, whilst there is a growing understanding of the detrimental ramifications of subjecting children to this practice, it still seems to be that there is a disconnect between the procedure itself and the short- and long-term effects that it causes.

Just last year in Australia, in New South Wales, we saw the arrest of a number of people who had organised or carried out female genital mutilation. One of those charged with performing the procedure is, unfortunately, a retired healthcare provider. It is astounding to think that in 2013 women and children are still subjected to this brutal practice, even more so that this practice is now being found in our community. Female genital mutilation is an illegal practice in Australia in all jurisdictions and, whilst I am thankful that the perpetrators in this case will feel the full force of the law, the reality is that what occurred should never have occurred in the first place. And again, in my home state of Western Australia last year, the Western Australian Police charged a couple after it was alleged that they took their very young daughter, just one year old, to Bali for her to undergo female genital mutilation. Surely in 2013, with the technological, medical and social information we have at our fingertips, the evidence is clear that this is a cruel and brutal procedure to force upon a child. One girl undergoing this cruel practice is one too many. One girl suffering from shock and ongoing infections as a result of this practice is one too many. One girl or woman experiencing complications in childbirth or the death of a newborn child as a result of her having undergone female genital mutilation is one too many.

I would like to commend the World Health Organization for their ongoing work to meet their aim of eradicating this practice within a generation. Their continued focus on advocacy, research and guidance for health systems has already seen a documented decrease in the numbers of girls subjected to the practice. However, I remind the Senate that at least three million girls this
year will undergo the practice. It is through awareness-raising days like today that we can slowly but surely ensure that not one girl globally undergoes this brutal practice.

**Cyber Security**

**Swartz, Aaron**

Senator LUDLAM (Western Australia) (19:08): I would like to thank Senator Cash for taking up the issue of female genital mutilation with such passion. I rise to make some remarks about some of the perverse consequences that can come into play when governments—and most notably our Australian government—react or overreact to cyber threats. It makes me edgy whenever this government adds the word 'cyber' to anything. You tend to have to watch your back when that is occurring. I do not want to downplay the very real threats of identity theft and misappropriation, phishing attempts on people's accounts and these sorts of things, cyberbullying and the other array of threats that people do face in the online environment. But I am also aware that we run the risk—and the Australian government is running this risk at the moment—of running these campaigns of hyperventilation and pumping up threat and fear as though this is where we are meant to transfer our fear of terrorists, that the internet is the new domain of terror and the best way to protect ourselves is to submit to perpetual online surveillance by government policing and other agencies.

I want to dedicate this contribution tonight to a remarkable young man who, unfortunately, I was never able to meet. Aaron Swartz took his own life at the age of 27 while facing potentially more than 30 years in federal prisons in the United States for downloading academic articles. His parents and many of his friends and colleagues have stated that the extraordinary charges that he faced under United States copyright law, and the aggressive way in which those charges were pursued, contributed to his death—an extraordinary loss for his family and those who knew him but also for those of us who did not know him in the wider community who are nonetheless better off for his life's work.

Aaron Swartz was an innovator. He helped create the RSS feed tool that many of us would use every day, whether we even know it or not. He also created reddit and he was quite an important part of the campaign to defeat the dangerous Stop Online Piracy Act, SOPA. Senators may recall that reached fever pitch some time ago. It may explain his involvement in these campaigns and his cheerful but relentless advocacy for the things that he believed in. It may explain why he was pursued so vindictively and aggressively. It may have been for his support for these campaigns or the changes in attitudes that he brought to bear on notions of theft and property online. It may have been because he was a friend and supporter of Australian citizen Julian Assange. In this tragic case we see an outdated copyright legal regime in the United States that has long ceased being fit for its purpose that is presently criminalising a whole generation of internet users. The particular way in which his case was prosecuted when so many others lapse and are left alone tells us something about the state of mind of certain elements of the current US administration and the copyright industry overall.

What Aaron understood—and what many other young people understand—is that the internet is the greatest information-sharing tool in history. It is potentially peace building, is potentially solutions generating. In my view, it is leading to the formation of a global civil society, and that is extraordinarily valuable. The question, of course, is whether its potential will be realised or whether it will instead be
transformed into the greatest surveillance tool ever created, a kind of global electronic panopticon that some elements in our government seem to be quite keen to try and realise. When Gutenberg invented the printing press, it was actually banned for periods of time in some parts of Germany. When libraries were created, the publishing industry at the time cried that if people could read for free authors would starve and the book business would die. Of course, this is an interesting metaphor because libraries that share culture on a come one, come all basis create incentives for further learning and further writing and the creation of more culture. The internet, among many other things, is the greatest library in human history.

The Greens believe that the potentials, the benefits and the gifts of this enormous library and communications tool can be available safely with privacy and human rights and civil liberties intact, but only if we pay very careful attention to the balance that is being struck between these freedoms and our obligations as citizens. We are not getting the balance right at the moment. We are on the path to getting it very wrong indeed by eroding not just the potential of the internet but of democracy itself through proposals like that of data retention and some of the other proposals that have been put forward through the government’s national security inquiry. I note that the political fix seems to be in and I think it is unlikely that the government will bring these proposals forward in an election year, knowing how deeply unpopular they are. But that is simply something short term and I fear that these issues will be exhumed post-election and an attempt will be made to put these words in the mouth of our new Attorney-General, who I hope is smarter than that. I believe he probably is and I hope we can see some change of tone and tenor around the way that we deal with the threats that exist online. The inventor of the internet, Tim Berners-Lee, or I should say the World Wide Web, the inventor of the protocol that underpins so much of the information sharing that has become ubiquitous for us today, was here in Australia recently. He said the data retention proposal was ‘fraught with massive danger’. He says:

The information is so dangerous you have to think about it as dynamite. If it gets away, what you’ve done is prepare a dossier on every person in the country that will allow them, if that dossier is stolen, to be blackmailed.

He thought the proposal should be buried.

One of the gallery journalists who I have quite a bit of time for, Bernard Keane, who is one of Australia’s sharpest minds on this particular subject and the author of an e-book called The War on the Internet, has noted that what we are seeing in this case is a really relaxed approach to government and corporate surveillance of Australian citizens, but exemplary punishment for whistleblowers and online activists. We tried to get the Australian Federal Police interested in a colossal breach of privacy that appeared to have occurred when Telstra was sending people’s data overseas to a service in the United States, potentially exposing Australian communications traffic to the Patriot Act in the US. We cannot get them interested in that, but we see these sorts of exemplary punishments for people doing whistleblowing and information sharing strongly in the public interest.

Bradley Manning is obviously somebody who comes to mind. He is no longer in the horrific hole in the ground where the United States authorities had him for many, many months but he is nonetheless incarcerated awaiting this grinding process of court martial to run its course, as is the gentleman Jeremy Hammond, who may be somewhat less familiar to senators here tonight. He is
facing life in prison after allegations that he hacked Stratfor, that private clone of the CIA and exposing what that organisation was doing by spying on civil society groups, including running strategies against Australian citizen Julian Assange.

I thank the Ecuadorian Ambassador in London. I was there with some of the staff of WikiLeaks, Mr Assange and the ambassador on Christmas night. To the eternal shame of the Australian government, he is 'without the protection and assistance from the state of which he is a citizen', to quote the words of the Ecuadorian decision to grant him asylum.

There are, obviously, many glimmers of hope but I also think we need to take a very clear-eyed look at the way that governments are pursuing the radical democratisation of communications that is occurring under the internet, seeing it as a threat and appending the words 'cyber' and 'terror' to many of the things that I believe we should step back from and take a good look at before we simply clamp down on them and impose blanket real-time surveillance on all Australian citizens in an attempt to maintain some semblance of control over the medium.

There are, of course, glimmers of hope. The Gov 2.0 task force, ideas championed by Senator Kate Lundy and things that the ACT government has brought forward in the ACT give some reasons for hope. They are obviously small and very local examples but they come from the same ethic as that pursued by Aaron Swartz—that information and data sharing, all acts being equal, should be maximised. Certainly data, if it is being created by governments at taxpayers' expense, should be in the public domain. That includes things that are routinely denied to senators and members of the general public under our broken freedom of information regime. The Greens took the lead in the case of the ACT but we would like to see that go further. I would like to dedicate this contribution to Aaron Swartz. (Time expired)

Stolen Generations

Senator CROSSIN (Northern Territory) (19:18): Last week I called on this federal government to focus on and now commit to compensating those directly affected by past policies of forced removal in the Northern Territory. Compensation for the stolen generations has remained a key recommendation for reparation and an issue of national and international concern. Monetary compensation is indeed due for the hurt and the harm suffered by those people who were removed.

I want to acknowledge that over the past decade federal governments, both Liberal and Labor, have taken a number of steps towards reconciliation. We have had the national apology and funding for counselling and parenting services. Evidence, however, suggests that these measures have been inadequate in fully responding to the needs of the stolen generations. There is now a strong moral and legal basis for providing compensation and there is a growing urgency to resolve this issue as the stolen generations, particularly in the Northern Territory, have very little time left.

The research that I have undertaken personally over the last four years, with the assistance of an ANU intern who I had the pleasure of having in my office, comprehensively reveals that it is in fact the Commonwealth's responsibility for the Northern Territory. Detailed examination of the laws between 1911 and 1978 reveal the Commonwealth's intention to control the Northern Territory's Indigenous population. Further, given that the state governments have begun compensating the stolen generations now in their respective states, there is really no reason for any more
excuses. It is now accepted that the only government liable to pay compensation to the Northern Territory is the Commonwealth government.

Since the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families in 1997, which we all know produced the Bringing Them Home report, monetary compensation has been a key recommendation in providing full and effective reparations to those removed under official government policies. Compensation is internationally recognised as essential in acknowledging and repairing the harm done to those who have suffered gross violations to their human rights.

The Commonwealth government took control of the Territory in 1911 and superseded the Northern Territory Aboriginals Act 1910 of South Australia with the Aboriginals Ordinance 1911. Under that ordinance, the Commonwealth gave the Chief Protector the power to act as the legal guardian of every Aboriginal and every half-caste in the Northern Territory until they were 18 years of age. If you track through the key Commonwealth laws that actually allowed the removal of Aboriginal children, you will see that it goes to the Aboriginals Ordinance Act 1911. This was repealed but replaced by the Aboriginals Ordinance Act 1918. Again, the Director of Welfare under this act was made the legal guardian of all Aboriginals. He—and predominantly it would have been a 'he'—may have declared persons with Aboriginal ancestors to be Aboriginal but, in fact, had wide-ranging powers over Aboriginal people and still was able to remove those children if it was thought it was in their best interests. The Welfare Ordinance Act 1953, again, gave the Director of Welfare extensive powers over the lives of people declared to be wards. The director was made the legal guardian of all of those wards, again, if it was considered to be in their best interests. He was able to take them into custody, detain them or even institutionalise them. The Child Welfare Ordinance 1958 still allowed Aboriginal people to be removed in accordance with the wishes of that act.

The urgency of providing compensation must also be recognised, because each year an increasing number of these people are getting older. According to the Croker Island Stolen Generation Group, there are old people dying at such a high rate, and to settle this would mean closure for them and for all of us. I anticipate that there were probably about 1,000 children taken in the Northern Territory—some might say it was as high as 2,000 people—but what I do know is that there are probably only about 380 of those original stolen children alive in the Northern Territory this very day.

The position of the federal government has been that there will be no compensation paid, with the focus continually on practical measures that will assist the Indigenous community as a whole. The Commonwealth has offered many arguments regarding its position. My research shows that those arguments are no longer sustainable and probably no longer acceptable—arguments such as, 'No amount of money can make up for the pain of the past'; an argument that says that there is no framework for compensation or that we do not want to set a precedent; an argument that the removals were intended to be in the best interests of the children, when we clearly know that research has shown that this is not the case; and an argument that not all children considered removed had an injurious experience—and it is probably true. Phillip Elsegood of the Stolen Generations Alliance has recognised different levels of harm, saying that there are deeper issues for some people concerning what happened to them.
while they were in care. We also have some people who have said that it was the best thing that ever happened to them, but the stolen generations people acknowledge that.

I just want to also say that I recently heard Minister Macklin's comments, in the last week or so, saying that we have now set up the royal commission into child sexual abuse. But that is not a reason to now park the needs of the stolen generations people in the Northern Territory under that umbrella—far from it. Evidence shows that the removal of the majority of removed children was primarily an injurious experience. Many children, in fact, experienced multiple institutional and foster places. They may well have suffered harsh living conditions and some were physically punished. However, only one in 10 of the boys and only one in 10 of the girls were allegedly sexually abused. So by far the majority most certainly had a horrific childhood—were ripped away from their parents, institutionalised, disciplined and harshly treated, or were put as foster children in some places. But certainly parking their needs under this current royal commission, in terms of making that the excuse for not compensating all of the members of the stolen generations, is still an unacceptable argument. Forced removals were official government policy between 1910 and 1970 and, although they occurred, we know that it took three general forms: they were placed in government or church-run institutions, they were adopted by white families or they were fostered into white families. These people are still looking for compensation. They may well have stories under the current royal commission into child sexual abuse, but not all of them will have.

There are arguments that the government has already apologised, arguments that the focus should remain on practical measures that benefit all Indigenous people and arguments that claims for compensation should be made through litigation. Their final argument is that the federal government is not responsible at all. But we now know that in 2006 Tasmania became the first state to provide compensation to the stolen generations. They set up the Stolen Generations of Aboriginal Children Act 2006 and created a $5 million fund that was managed by a tribunal. In 2007, the WA government announced a $114 million redress scheme for children who were abused or neglected in state care. The stolen generations people came under that and were benefited by that. In 2007, the Queensland government introduced $100 million in a scheme in response to the Forde inquiry—which also, of course, was not limited to but covered the claims of the stolen generations.

It is more than time now to face up to the fact that the Commonwealth government need to provide a reparations fund. They have relied on various arguments in support of their position of no compensation; those arguments now no longer hold water. I have been proposing for quite a while now that the reparation of the Northern Territory stolen generations should consist of monetary compensation. It is the Commonwealth government—and only the Commonwealth government—that is now responsible for removing the children in the Northern Territory between 1911 and 1978. In fact, a one-off ex gratia payment to the current living members or the families of those members should be made available, as they did in Tasmania, through a reparations fund managed by a tribunal where people can make claims and finally get the closure they deserve. It holds practical and symbolic meaning to living members of the stolen generations and it would also assist in addressing the ongoing disadvantage faced by their families and communities. Finally, as well as these practical measures, these
monetary measures might show some sense of closure for those people who have been—and are continually—affected by the past policies of forced removal under the Commonwealth government.

Senate adjourned at 19:29

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.

Australian Bureau of Statistics Act—Proposals Nos—
2 of 2013—Recorded Crime—Victims, Australia.
3 of 2013—Survey of Cultural Funding by Government.

Carbon Credits (Carbon Farming Initiative) Act—
Carbon Credits (Carbon Farming Initiative) (Destruction of Methane from Piggeries using Engineered Biodigesters) Methodology Determination 2013 [F2013L00124].
Carbon Credits (Carbon Farming Initiative) (Reforestation and Afforestation) Methodology Determination 2013 [F2013L00123].

Census and Statistics Act—Statement No. 1 of 2013—Lists of Early Childhood Education Providers for the Commonwealth, State and Territory Education Departments.

Civil Aviation Act—Civil Aviation Safety Regulations—Instruments Nos CASA—
EX07/13—Exemption—carriage of cockpit voice recorders and flight data recorders [F2013L00137].
EX08/13—Exemption—from standard take-off and landing minima—DHL Air Ltd [F2013L00145].
EX09/13—Exemption—use of ADS-B in aircraft operated Aerolineas Argentinas [F2013L00153].


Currency Act—Currency Legislation (Royal Australian Mint) Amendment Determination 2013 (No. 1) [F2013L00132].

Customs Act—Amendments of Approved Statements Instruments Nos—
1 of 2013—Cargo Report (Air) [F2013L00133].
2 of 2013—Self-Assessed Clearance Declaration (Air) (To be Communicated with a Cargo Report) [F2013L00134].
3 of 2013—Import Declaration (N10) [F2013L00135].
4 of 2013—Warehouse Declaration (N20) [F2013L00138].
5 of 2013—SAC (Short Form) [F2013L00139].
6 of 2013—Self-Assessed Clearance Declaration (Sea) (To be Communicated with a Cargo Report) [F2013L00142].


Environment Protection and Biodiversity Conservation Act—Amendments of lists of exempt native specimens—
EPBC303DC/SFS/2013/01 [F2013L00152].
EPBC303DC/SFS/2013/04 [F2013L00127].
EPBC303DC/SFS/2013/05 [F2013L00126].
EPBC303DC/SFS/2013/06 [F2013L00129].
EPBC303DC/SFS/2013/07 [F2013L00128].


Financial Sector (Collection of Data) Act—Financial Sector (Collection of Data) (Reporting Standard) Determinations Nos—
14 of 2013—Reporting Standard GRS 117.0 Asset Concentration Risk Charge [F2013L00136].
42 of 2013—Reporting Standard LRS 001 Reporting Requirements [F2013L00120].
54 of 2013—Reporting Standard LRS 310.0 Income Statement [F2013L00140].
55 of 2013—Reporting Standard LRS 330.0 Summary of Revenue and Expenses [F2013L00141].
56 of 2013—Reporting Standard LRS 340.0 Retained Profits [F2013L00148].
59 of 2013—Reporting Standard LRS 430.0 Sources of Profit [F2013L00149].
60 of 2013—Reporting Standard LRS 100.0 Solvency; Reporting Standard LRS 120.0 Management Capital; Reporting Standard LRS 210.0 Derivatives, Commitments and Off-Balance Sheet Items; Reporting Standard LRS 220.0 Large Exposures; Reporting Standard LRS 410.0 Capital Measurement Statistics; Reporting Standard LRS 901 Transitional Arrangements 2008 [F2013L00150].
Fisheries Management Act—
Macquarie Island Toothfish Fishery Management Plan Amendment 2012 [F2013L00118].
Higher Education Support Act—VET Provider Approvals Nos—
4 of 2013—Brisbane North Institute of TAFE [F2013L00143].
5 of 2013—Metropolitan South Institute of TAFE [F2013L00144].
Insurance Contracts Act—Select Legislative Instrument 2012 No. 250—Insurance Contracts Amendment Regulation 2012 (No. 2) [F2012L02163] [tabled on 19 November 2012]—Regulation Impact Statement.
Private Health Insurance Act—Private Health Insurance (Registration) Amendment Rules 2013 [F2013L00151].
Public Service Act—Public Service Classification Rules Amendment Instrument 2013 (No. 1) [F2013L00146].
Quarantine Act—Quarantine Service Fees Amendment Determination 2013 (No. 1) [F2013L00125].
Social Security Act—
Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 2) [F2013L00147].
Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No. 3) [F2013L00112].
Tabling
The following government documents were tabled:
Australian Competition and Consumer Commission—Telstra’s compliance with the retail price control arrangements—Report for 2011-12.
Migration Act 1958—
Reports for the period 1 July to 31 October 2012—
Section 91Y—Protection visa processing taking more than 90 days.
Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days.
Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 October to 31 December 2012.
**Departmental and Agency Appointments Tabling**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008, as amended:

- Departmental and agency appointments and vacancies—Additional estimates—Letters of advice—
  - Department of Education, Employment and Workplace Relations.
  - Department of Sustainability, Environment, Water, Population and Communities.

**Departmental and Agency Grants Tabling**

The following document was tabled pursuant to the order of the Senate of 24 June 2008:

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Budget: Efficiency Dividend
(Question Nos 2176 and 2216)

Senator Humphries asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 18 September 2012:

(1) What is the net financial effect on the department's budget of:
   (a) the original 1.5 per cent efficiency dividend;
   (b) the additional 2.5 per cent efficiency dividend; and
   (c) other savings measures as introduced in the 2012-13 Budget papers.

(2) What measures or strategies are being considered to ensure continued operation within the budget and efficiency dividend targets of the department.

(3) What percentage of total expenditure is represented by staff costs.

(4) Is a net reduction in: (a) staff; and (b) consultants and/or contractors, expected for the financial year; if so, can a quantitative total for each reduction be provided.

(5) How many: (a) voluntary redundancies; and (b) involuntary redundancies, are expected to be executed.

(6) What is the current distribution of full-time equivalent staff across classification bands.

Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) (a) The net financial effect on the department's budget as a result of the original 1.5 per cent efficiency dividend is:

<table>
<thead>
<tr>
<th>Appropriation Source</th>
<th>2011–12 $'000</th>
<th>2012–13 $'000</th>
<th>2013–14 $'000</th>
<th>2014–15 $'000</th>
<th>2015–16 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departmental Appropriation Decrease</td>
<td>(6 051)</td>
<td>(12 168)</td>
<td>(13 852)</td>
<td>(16 056)</td>
<td>0</td>
</tr>
</tbody>
</table>

(b) The net financial effect on the department's budget as a result of the additional 2.5 per cent efficiency dividend is:

<table>
<thead>
<tr>
<th>Appropriation Source</th>
<th>2011–12 $'000</th>
<th>2012–13 $'000</th>
<th>2013–14 $'000</th>
<th>2014–15 $'000</th>
<th>2015–16 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departmental Appropriation Decrease</td>
<td>0</td>
<td>(28 142)</td>
<td>(28 350)</td>
<td>(28 863)</td>
<td>(29 225)</td>
</tr>
</tbody>
</table>

(c) The net financial effect on the department's budget as a result of other savings measures as introduced in the 2012–13 Budget papers are:

<table>
<thead>
<tr>
<th>Savings Measure</th>
<th>2011–12 $'000</th>
<th>2012–13 $'000</th>
<th>2013–14 $'000</th>
<th>2014–15 $'000</th>
<th>2015–16 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Savings due to reduced workload of the Independent Protection Assessment Office</td>
<td>0</td>
<td>0</td>
<td>(4 626)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Virtual English Tuition for Migrants - 15% Fund Reduction</td>
<td>0</td>
<td>(21)</td>
<td>(21)</td>
<td>(21)</td>
<td>0</td>
</tr>
<tr>
<td>Seasonal Labour Mobility Program - 15% Funding Reduction</td>
<td>0</td>
<td>0</td>
<td>(128)</td>
<td>(115)</td>
<td>(142)</td>
</tr>
<tr>
<td>Total of Savings Measures</td>
<td>0</td>
<td>(21)</td>
<td>(4 775)</td>
<td>(136)</td>
<td>(142)</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
(2) The department has a robust business planning and budgeting process to enable it to respond to Government budget and funding announcements. To further strengthen the focus on being cost conscious across the organisation, our dedicated Resource and Finance Committee is strategically and critically examining the department's financial outlook.

In addition, in 2011–12 and 2012–13, DIAC has examined the following areas to deliver savings:

- Capital Work Program
- ICT Initiatives
- Office accommodation expenses
- Legal Services

(3) The percentage of total expenditure represented by staff costs is 54%. In 2011–12 staff benefits amounted to $799.345 million of DIAC's total departmental expenditure of $1 481.722 million.

(4) As reported in the Immigration and Citizenship's Portfolio Budget Statements (PBS) for 2012–13, the Department is expecting a net increase of 32 Full Time Equivalent staff.

A small reduction in consultants and/or contractor costs is considered likely in line with the decrease in supplier expenses also reported in the 2012–13 PBS.

(5) The department's position continues to be there is no need for any widespread voluntary redundancies (involuntary or otherwise) at this stage, if at all.

(6) The current distribution of full-time equivalent staff across the classification bands is outlined in the table below. Data has been sourced as at 31 August 2012.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Total FTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cadet</td>
<td>10.00</td>
</tr>
<tr>
<td>Graduate</td>
<td>45.00</td>
</tr>
<tr>
<td>APS 1</td>
<td>14.25</td>
</tr>
<tr>
<td>APS 2</td>
<td>33.01</td>
</tr>
<tr>
<td>APS 3</td>
<td>831.67</td>
</tr>
<tr>
<td>APS 4</td>
<td>1,536.49</td>
</tr>
<tr>
<td>APS 5</td>
<td>1,413.44</td>
</tr>
<tr>
<td>APS 6</td>
<td>1,782.28</td>
</tr>
<tr>
<td>Public Affairs Officer 1</td>
<td>6.00</td>
</tr>
<tr>
<td>Public Affairs Officer 2</td>
<td>7.00</td>
</tr>
<tr>
<td>Public Affairs Officer 3</td>
<td>15.59</td>
</tr>
<tr>
<td>Legal Officer</td>
<td>34.62</td>
</tr>
<tr>
<td>APS Level 1-6 TOTAL</td>
<td>5,729.35</td>
</tr>
<tr>
<td>Executive Level 1</td>
<td>1,417.29</td>
</tr>
<tr>
<td>Executive Level 2</td>
<td>496.35</td>
</tr>
<tr>
<td>Medical Officer 2</td>
<td>6.63</td>
</tr>
<tr>
<td>Medical Officer 3</td>
<td>2.53</td>
</tr>
<tr>
<td>Medical Officer 4</td>
<td>1.00</td>
</tr>
<tr>
<td>Principal Legal Officer</td>
<td>18.67</td>
</tr>
<tr>
<td>Senior Legal Officer</td>
<td>55.07</td>
</tr>
<tr>
<td>Senior Public Affairs Officer A</td>
<td>3.00</td>
</tr>
<tr>
<td>Executive Level 1-2 TOTAL</td>
<td>2,000.54</td>
</tr>
<tr>
<td>SES Band 1</td>
<td>88.00</td>
</tr>
<tr>
<td>SES Band 2</td>
<td>18.88</td>
</tr>
<tr>
<td>SES Band 3</td>
<td>5.00</td>
</tr>
<tr>
<td>SES TOTAL</td>
<td>111.88</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Financial Management and Accountability
(Question Nos 2337 and 2377)

**Senator Ryan** asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 10 October 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio: For each of the following items:

(a) licences; (b) registrations; (c) fee for services; and (d) permits (and all other permission structures):

(1) How many are administered to the non-government sector?

(2) What are the associated fees with each item, and which sectors of the community are required to hold each?

(3) How often does each item require renewal?

(4) What fees have been paid for each item for the following financial years (or since the item was introduced since 2007-08):

(a) 2007-08;
(b) 2008-09;
(c) 2009-10;
(d) 2010-11;
(e) 2011-12; and
(f) 2012-13.

(5) How much total revenue is collected annually from each of the listed items?

**Senator Lundy:** The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) There are four administered to the non-government sector as follows:

(a) Licences - LEGENDcom
(b) Registrations - Migration Agents
(c) Fee for services - APEC Business Travel Card
   - Translation and Interpreting Service (TIS)
(d) The Department does not receive any revenue from permits.

(2) The following information provides a description of the fee.

(a) LEGENDcom

LEGENDcom is a licence subscription fee for service to the public for access to the department's migration and citizenship legislation and policy website.

Major clients include registered migration agents and legal practitioners who provide advice on migration or citizenship matters.

The associated fees for 2012-13 are;
(i) Full - $800
(ii) Limited - $730
(iii) Not for profit - $420
(iv) Secondary licence - $345
(v) DVD - $170

(b) Migration Agents registration

The Migration Agent registration fee allows agents to provide migration services to the public. The registration is open to individuals or businesses interested in undertaking migration agent work.

The associated fees for 2012-13 are

(i) Initial - $160
(ii) Repeat - $105, for non-commercial migration agents
(iii) Initial - $1,760
(iv) Repeat - $1,595, for commercial migration agents

(c) APEC business travel card

An APEC business travel card is granted to accredited business people to allow them to make multiple short-term business visits to other APEC economies. This saves business people the time and effort involved in applying for visas or entry permits for travelling to APEC economies. The scheme also provides cardholders with access to fast track lanes at the participating airports.

The associated fee for 2012-13 is $200.

(c) Translation and Interpreting Service

The fee relates to telephone and on site interpreting services provided by the department. Interpreting services are provided to the public.

The associated fees for 2012-13 are:

(i) Telephone interpreting $25.85 standard hours and $41.36 after hours
(ii) Automated telephone interpreting $23.21 standard hours and $37.29 after hours
(iii) Pre-booked telephone interpreting $59.62 standard hours first 30 minutes, $25.85 standard hours additional 15 minutes and $95.48 after hours first 30 minutes, $40.36 after hours additional 15 minutes
(iv) Standard on site interpreting $168.41 standard hours first 90 minutes, $55.66 standard hours additional 30 minutes and $269.17 after hours first 90 minutes, $89.21 after hours additional 30 minutes
(v) Full day on site interpreting $45.32 standard hours per 30 minutes, $72.82 after hours per 30 minutes and $725.45 weekday day charge, $1,164.24 weekend and public holidays day charge
(vi) Travel costs $.83 vehicle allowance per kilometre, $124.41 overnight travelling allowance, $45.32 travel time standard hours per 30 minutes, $72.82 travel time after hours per 30 minutes.

(3) (a) LEGENDcom

Subscriptions are for a twelve month period
(b) Migration Agents registration
Registration renewal is required annually
(c) APEC business travel cards
An APEC card is valid for a period of three years
(c) Translation and Interpreting Service
Clients are charged on a fee for service basis
(4) The individual fees for each subscription type between 2007-08 and 2012-13 to date are as follows:

(a) LEGENDcom

<table>
<thead>
<tr>
<th>Subscription Type</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11</th>
<th>2011-12</th>
<th>2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full</td>
<td>1360</td>
<td>1340</td>
<td>1340</td>
<td>1340</td>
<td>800</td>
<td>800</td>
</tr>
<tr>
<td>Limited</td>
<td>1300</td>
<td>1230</td>
<td>1230</td>
<td>1230</td>
<td>730</td>
<td>730</td>
</tr>
<tr>
<td>Not for profit</td>
<td>680</td>
<td>700</td>
<td>700</td>
<td>700</td>
<td>420</td>
<td>420</td>
</tr>
<tr>
<td>Library</td>
<td>Free</td>
<td>Free</td>
<td>Free</td>
<td>Free</td>
<td>Free</td>
<td>Free</td>
</tr>
<tr>
<td>Secondary licence</td>
<td>540</td>
<td>580</td>
<td>580</td>
<td>580</td>
<td>345</td>
<td>345</td>
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<tr>
<td>DVD</td>
<td>160</td>
<td>280</td>
<td>280</td>
<td>280</td>
<td>170</td>
<td>170</td>
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</tbody>
</table>

(b) Migration Agents registration

<table>
<thead>
<tr>
<th>Type</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11</th>
<th>2011-12</th>
<th>2012-13</th>
</tr>
</thead>
</table>
| Non-commercial agents
| Initial           | 160     | 160     | 160     | 160     | 160     | 160     |
| Repeat            | 105     | 105     | 105     | 105     | 105     | 105     |
| Commercial agents
| Initial           | 1760    | 1760    | 1760    | 1760    | 1760    | 1760    |
| Repeat            | 1595    | 1595    | 1595    | 1595    | 1595    | 1595    |

(c) APEC business travel card

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<tbody>
<tr>
<td>Standard</td>
<td>200</td>
<td>200</td>
<td>200</td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
</tbody>
</table>

(c) Translation and Interpreting Service

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<tr>
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</thead>
<tbody>
<tr>
<td>Telephone interpreting Standard hours per 15 minutes</td>
<td>22.40</td>
<td>23.10</td>
<td>23.98</td>
<td>24.42</td>
<td>25.08</td>
<td>25.85</td>
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<tr>
<td>After hours per 15 minutes</td>
<td>35.85</td>
<td>36.95</td>
<td>38.28</td>
<td>39.05</td>
<td>40.15</td>
<td>41.36</td>
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<tr>
<td>Automated telephone interpreting Standard hours per 15 minutes</td>
<td>20.15</td>
<td>20.75</td>
<td>21.56</td>
<td>22.00</td>
<td>22.55</td>
<td>23.21</td>
</tr>
<tr>
<td>After hours per 15 minutes</td>
<td>32.25</td>
<td>33.20</td>
<td>34.43</td>
<td>35.20</td>
<td>36.19</td>
<td>37.29</td>
</tr>
<tr>
<td>Standard hours first 30 minutes or part thereof</td>
<td>51.65</td>
<td>53.20</td>
<td>55.22</td>
<td>56.32</td>
<td>57.86</td>
<td>59.62</td>
</tr>
<tr>
<td>Pre-booked telephone interpreting Standard hours each additional 15 minutes</td>
<td>22.40</td>
<td>23.10</td>
<td>23.98</td>
<td>24.42</td>
<td>25.08</td>
<td>25.85</td>
</tr>
<tr>
<td>After hours first 30 minutes or part thereof</td>
<td>105.35</td>
<td>108.50</td>
<td>88.33</td>
<td>90.20</td>
<td>92.62</td>
<td>95.48</td>
</tr>
</tbody>
</table>
## Telephone interpreting

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>After hours each additional 15 minutes</td>
<td>17.55 per 5 minutes</td>
<td>18.10 per 5 minutes</td>
<td>38.28</td>
<td>39.05</td>
<td>40.15</td>
<td>40.36</td>
</tr>
</tbody>
</table>

## On-site interpreting

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Standard on site interpreting</td>
<td>145.70</td>
<td>150.15</td>
<td>155.76</td>
<td>159.06</td>
<td>163.35</td>
<td>168.41</td>
</tr>
<tr>
<td>Standard hours first 90 minutes or part thereof</td>
<td>48.20</td>
<td>49.65</td>
<td>51.48</td>
<td>52.58</td>
<td>54.01</td>
<td>55.66</td>
</tr>
<tr>
<td>Standard hours each additional 30 minutes</td>
<td>233.15</td>
<td>240.15</td>
<td>249.04</td>
<td>254.32</td>
<td>261.14</td>
<td>269.17</td>
</tr>
<tr>
<td>After hours each additional 30 minutes</td>
<td>77.30</td>
<td>79.60</td>
<td>82.50</td>
<td>84.26</td>
<td>86.57</td>
<td>89.21</td>
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<tr>
<td>After hours each additional 30 minutes</td>
<td>39.25</td>
<td>40.45</td>
<td>41.91</td>
<td>42.79</td>
<td>44.00</td>
<td>45.32</td>
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<tr>
<td>Full day on site interpreting</td>
<td>63.00</td>
<td>64.90</td>
<td>67.32</td>
<td>68.75</td>
<td>70.62</td>
<td>72.82</td>
</tr>
<tr>
<td>Standard hours per 30 minutes</td>
<td>628.05</td>
<td>646.90</td>
<td>670.89</td>
<td>684.97</td>
<td>703.45</td>
<td>725.45</td>
</tr>
<tr>
<td>Minimum charge per day (weekdays)</td>
<td>1008.20</td>
<td>1038.45</td>
<td>1076.90</td>
<td>1099.56</td>
<td>1129.26</td>
<td>1164.24</td>
</tr>
<tr>
<td>Minimum charge per day (Saturday, Sunday or Public holidays)</td>
<td>0.58</td>
<td>0.60</td>
<td>0.76</td>
<td>0.83</td>
<td>0.83</td>
<td>0.83</td>
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<tr>
<td>Interpreter’s own vehicle per kilometre</td>
<td>88.22</td>
<td>103.75</td>
<td>111.45</td>
<td>111.45</td>
<td>117.48</td>
<td>124.41</td>
</tr>
<tr>
<td>Overnight travel allowance per overnight stay</td>
<td>38.00</td>
<td>39.15</td>
<td>41.91</td>
<td>42.79</td>
<td>44.00</td>
<td>45.32</td>
</tr>
<tr>
<td>Travel time (standard hours) per 30 minutes</td>
<td>61.00</td>
<td>62.85</td>
<td>67.32</td>
<td>68.75</td>
<td>70.62</td>
<td>72.82</td>
</tr>
<tr>
<td>Travel time (after hours) per 30 minutes</td>
<td>61.00</td>
<td>62.85</td>
<td>67.32</td>
<td>68.75</td>
<td>70.62</td>
<td>72.82</td>
</tr>
</tbody>
</table>

## Travel costs

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>0.58</td>
<td>0.60</td>
<td>0.76</td>
<td>0.83</td>
<td>0.83</td>
<td>0.83</td>
<td>0.83</td>
</tr>
</tbody>
</table>

## QUESTIONS ON NOTICE
(5) The amount of total revenue collected annually is listed below:

<table>
<thead>
<tr>
<th>Year</th>
<th>$'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>1987</td>
</tr>
<tr>
<td>2008-09</td>
<td>5190</td>
</tr>
<tr>
<td>2009-10</td>
<td>1619</td>
</tr>
<tr>
<td>2010-11</td>
<td>8008</td>
</tr>
<tr>
<td>2011-12</td>
<td>16804</td>
</tr>
<tr>
<td>FYTD 30-09-2012</td>
<td>1987</td>
</tr>
</tbody>
</table>

**Australian Communications and Media Authority: Closed Captioning**

(Question No. 2387)

**Senator Ludlam** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 19 October 2012:

With reference the role of the Australian Communications and Media Authority (ACMA) in captioning and quotas:

1. What monitoring process has ACMA put in place to ensure that new caption quotas are being met.
2. How does ACMA monitor and ensure the quotas are being met in different regions of Australia.
3. What processes are in place if a station or channel is not meeting, or is not expected to meet, the required quota.
4. Will ACMA undertake any independent investigations to identify potential factors that may create quality issues and develop strategies to circumvent these.
5. What consumer campaign efforts does ACMA have planned to help people understand the changes to captioning regulations.
6. How is the ACMA ensuring: (a) which channels are being captioned and to what levels on subscription-based television; and (b) that captioning is occurring also on repeat programs.

**Senator Conroy:** The answer to the honourable senator's question is as follows:

The information in the following responses has been provided by the ACMA.

1. Affected television broadcasters are required to report annually on compliance with their captioning obligations, including compliance with quota obligations.
   
   The ACMA also investigates all valid complaints about non-compliance with captioning obligations.
2. Affected television broadcasters are required to report to it on compliance with their obligations, including compliance with quotas. It is anticipated that licensees will report on their compliance with captioning obligations by licence or coverage area. This information will enable the ACMA to monitor compliance with the obligations across different regions of Australia.
3. Affected television broadcasters may, by application to the ACMA, seek exemption or target reductions from the quota requirements on the limited grounds specified in the legislation.
   
   The ACMA can also investigate the compliance of affected television services with their quota obligations. In the event that any such service has breached its obligations, the ACMA may take one or more of the following actions:
   - accept agreed measures;
   - accept enforceable undertakings;
issue remedial directions;
• impose additional licence conditions;
• commence Federal Court proceedings seeking the imposition of a civil penalty;
• refer the matter to the Commonwealth Director of Public Prosecutions for possible criminal prosecution suspend a licence; and
• suspend or cancel a licence.

(4) In September 2010, the ACMA established a Co-regulatory Captioning Committee (CCC) to develop indicators for assessing the quality of captioning and work cooperatively to identify ways to circumvent quality issues.

CCC members include broadcasters, representatives of deaf and hearing impaired community groups, relevant government departments and captioning service providers. The CCC met five times between November 2010 and January 2012 and assisted in the development of the captioning quality indicators to which the ACMA currently has regard when assessing complaints about captioning services.

Between July and September 2012, the ACMA again consulted broadcasters, captioning service providers and consumer representatives about captioning issues, including factors that may cause quality issues and strategies to address them. This consultation has included the following steps/stages:

• In July, the ACMA visited and met with some broadcasters and captioning service providers about captioning matters, including the captioning process and quality issues;
• In August and September, the ACMA held group meetings with broadcasters, captioning service provider and consumer representatives about changes to captioning regulations and canvass their views on, among other things, captioning quality issues; and
• The ACMA invited, and received, written submissions from attendees about these issues.

The ACMA anticipates scheduling another meeting with broadcasters, captioning service providers and consumer representatives about captioning issues by the end of 2012.

The ACMA also proposes to create a technical committee to quickly identify captioning issues and share knowledge and experience in circumventing potential issues.

(5) The ACMA had two meetings with consumer representatives about changes to captioning regulation between August and September 2012, with a further meeting with consumer representatives anticipated by the end of 2012.

In addition, the ACMA has published information about captioning on the ACMA’s website, including a summary of changes to captioning regulations.

(6) (a) and (b) Subscription television licensees (broadcasters and narrowcasters) are required to report to the ACMA annually about their compliance with captioning obligations, including compliance with the obligation to caption ‘repeat programs’ on subscription television channels, where these programs have previously been broadcast with captions on any subscription television channel provided by the licensee.

(b) The ACMA will also investigate any valid complaints.

Defence Integrated Distribution System Contract

(QUESTION NO. 2392)

Senator Milne asked the Minister representing the Minister for Defence, upon notice, on 19 October 2012:

With reference to the Defence Integrated Distribution System contract that outsourced the management of Defence warehouses:
(1) Is the department acting on the commercial advice of Deloitte and the legal advice of the Australian Government Solicitor, that the TTDL consortium is completely liable for the $4 million in missing stock and the department is entitled to enforce its contractual rights to have these losses refunded; if not:
   (a) why not; and
   (b) can an explanation be provided as to why the department considers it is not in breach of the Financial Management and Accountability Act 1997 by refusing to enforce its contractual rights to reclaim the $4 million.

(2) Can a complete inventory of all the missing stock be provided?

(3) Are reports that the clauses relating to the liabilities of TTDL have been amended to provide for 'further discussions' correct; if so, what have been the outcomes of the further discussions between the parties?

(4) In awarding the tender to TTDL, what processes were in place to guard against conflicts of interest, given that the former Minister who launched the tender, Mr Peter Reith, worked as a consultant to the firm when the tender was awarded?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) No.
   (a) A separate independent investigation into stock discrepancies concluded that an actual physical loss could not be confirmed and that no reparation action be pursued. To ensure the ongoing sustainability of the contract and the maintenance of logistic support for critical Australian Defence Force activities, the Secretary of Defence and the Chief of the Defence Force directed that the broad range of contractual issues between Defence and TenixToll Defence Logistics (TTDL), including stock discrepancies, be resolved through mediation. The mediation process was overseen by a Defence Integrated Distribution System (DIDS) Oversight Board, which was established in November 2007 as a forum for senior Defence stakeholders to oversee Defence's approach to resolving a range of contractual issues.
   (b) The Commonwealth did not breach the Financial Management Act as it did not have a sound basis to pursue the claim. In addition, the scale and complexity of the contractual difficulties at the time meant a more holistic approach to resolve those difficulties was warranted. Through the successful mediation, the Commonwealth was able to ensure the future sustainability of the contract, generate ongoing savings in specific services, and establish a robust contract governance framework to ensure the contract delivers value for money and services that consistently meet or exceed contracted performance standards.

(2) No. An investigation into stock discrepancies concluded that an actual physical loss could not be confirmed and that no reparation action be pursued.

(3) No. The DIDS contract contains robust liability provisions.

(4) At all stages of the DIDS contract tender and implementation processes there were robust governance arrangements in place. This included oversight by an independent Project Board and external probity advisors.

Tenix

(Question No. 2393)

Senator Milne asked the Minister representing the Minister for Defence, upon notice, on 19 October 2012:

(1) How many departmental representatives attended meetings with Tenix executives, the Tenix subsidiary in the Philippines and Philippines Government representatives regarding the company's
successful bid to supply search and rescue vehicles to the Philippines Coast Guard between 1996 and 2004?

(2) When and where did each of the meetings occur?

(3) Did departmental representatives meet with the Philippines Government to arrange for the coast guard to be administered by the Department of Transport, rather than the navy; if so, when and where did each of the meetings occur?

(4) Following the discovery by Filipino Senator Franklin Drilon in 2005, that the 2000 contracts for a further six search and rescue vessels had never been approved by Congress as required by law, did any departmental representatives meet with Philippines Government officials to discuss the suspension of loan repayments; if so, when and where did each of the meetings occur?

(5) What representations were made by departmental representatives to the Philippines Government or Members of Congress in relation to the loan repayments, and what was the negotiated outcome of those discussions?

(6) When and how did the Government and/or Congress lift the suspension and start repayments again?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) to (6) Defence is unable to locate any records relating to the attendance of departmental representatives at meetings with Tenix executives, the Tenix subsidiary in the Philippines and Philippines Government representatives regarding the company's successful bid to supply search and rescue vehicles to the Philippines Coast Guard between 1996 and 2004.

Australian Nuclear Science and Technology Organisation

(Question No. 2396)

Senator Ludlam asked the Minister for Tertiary Education, Skills, Science and Research, upon notice, on 31 October 2012:

(1) Has the Australian Nuclear Science and Technology Organisation (ANSTO) conducted any breath monitoring in Australia to determine radioactive body load and to provide an estimate of the cost of mandatory monitoring at 6-month intervals for every exposed worker.

(2) What was the fate of waste generated by ANSTO and any associated university laboratories in the generation of Uranium Hexafluoride (UF6).

(3) How much of the generated waste is stored.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

(1) No. Given the radionuclides used at ANSTO, monitoring of breath to determine a potential radioactive intake would not be useful. Instead, ANSTO undertakes routine monitoring of workers using a Whole Body Monitor.

(2) ANSTO does not generate UF6. Questions regarding waste generated by university laboratories should be directed to the relevant university.

(3) Negligible amounts of waste from generation of UF6 produced by ANSTO's predecessor agency, the Australian Atomic Energy Commission, is held within ANSTO's Waste Storage Facilities.

Australian Sports Commission

(Question No. 2398)

Senator Abetz asked the Minister for Sport, upon notice, on 30 October 2012:

With reference to questions asked during the 2012-13 Supplementary budget estimates hearing of the Rural and Regional Affairs and Transport Legislation Committee, held on 16 October 2012:
(1) Was the person who resigned from the Australian Sports Commission (ASC) when confronted with allegations of fraud 6 to 7 months ago also alleged to have taken items from the Australian Institute of Sport to use in their cafe; if so, what were the items.

(2) Have there been any complaints relating to:
  (a) bullying; and
  (b) inappropriate behaviour, at ASC since 1 January 2010; if so, in each instance:
    (i) what behaviour has been alleged;
    (ii) how many complainants have there been;
    (iii) have the complaints been upheld;
    (iv) what action has been taken as a result, including any treatment or counselling ordered; and
    (v) what itemised costs have been incurred by ASC in dealing with or addressing these cases of bullying or inappropriate behaviour?

(3) Has ASC used the services of Body Politics; if so:
  (a) what services were acquired;
  (b) when were they acquired; and
  (c) how much did the services cost?

Senator Lundy: The answer to the honourable senator's question is as follows:

(1) No, there has been no such allegation made to the ASC.

(2) (a) Yes.
   (i) The nine instances included behaviours as listed below:
      • Inappropriate use of ASC ICT resources (1 instance)
      • Bullying, abusive and unprofessional behaviour toward a subordinate (4 instances)
      • Bullying, harassment and unacceptable interaction with athletes (2 instance)
      • Unacceptable communication style (2 instances)
   (ii) Seven instances involved a single complainant. One instance relating to bullying and harassment of athletes involved two complainants, and an instance relating to unacceptable communication style also involved two complainants. Therefore in total there have been eleven complainants.
   (iii) The complaints were upheld in all cases except for the complaint regarding bullying and harassment of athletes. In this matter, following an investigation by an external consultant it was determined that there was no case to answer.
   (iv) Actions taken by the ASC to address these complaints include: training; mentoring and counselling; reassignment of duties; and changes to supervisory responsibilities.
       Sanctions applied include formal warnings and in one instance a fine and suspension was applied. In relation to one of the cases of inappropriate and unprofessional behaviour toward a subordinate, the sanction applied was termination of employment.
   (v) Four of the nine complaints were managed internally. The costs incurred by the ASC in dealing with or addressing the other five complaints since January 2010 have been for the engagement of external consultants. Since January 2010, the ASC has engaged CPM Reviews ($58,673) and QMS Investigations ($114,472) to provide investigation services.

(b) Yes.
(i) The one instance of alleged inappropriate behaviour related to a failure to declare a conflict of interest.

(ii) The complaint involved a single complainant.

(iii) The employee against whom the complaint was made resigned prior to any investigation being commenced.

(iv) Nil.

(v) Nil.

(3) The ASC has no record in its financial management system of a payment to the firm called Body Politics.

An employee Body Politics has advised that some consultancy work was undertaken for the ASC in the late 1980s.

**Prime Minister and Cabinet**

(Question No. 2399)

**Senator Abetz** asked the Minister representing the Prime Minister in the Senate, upon notice, on 30 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection: (a) what has been its purpose; (b) what resources have been used; (c) who requested it; (d) to whom has it been circulated; and (e) can a copy be provided.

**Senator Chris Evans:** The Prime Minister has provided the following answer to the honourable senator's question:

To support the Prime Minister attending official events and functions across Australia, the Department routinely provides briefs that set out government expenditure in specific electorates.

The information provided in these briefs includes information on Commonwealth government programs, investment and expenditure.

Consistent with longstanding practice, departments provide a range of advice to relevant ministers. Consideration of these briefs is a matter for the Australian Government.

**Treasury**

(Question Nos 2400, 2423 and 2444)

**Senator Abetz** asked the Minister representing the Treasurer, upon notice, on 31 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection:

(a) what has been its purpose;
(b) what resources have been used;
(c) who requested it;
(d) to whom has it been circulated; and
(e) can a copy be provided.

**Senator Wong:** The Treasurer has provided the following answer to the honourable senator's question:
To support the Deputy Prime Minister attending events and functions across Australia, the Treasury routinely provides briefs that set out government expenditure in specific electorates.

The information provided in these briefs includes information on Commonwealth government programs, investment and expenditure.

Consistent with longstanding practice, departments provide a range of advice to relevant ministers. Consideration of these briefs is a matter for the Australian Government.

**Tertiary Education, Skills, Science and Research**

*(Question No. 2401)*

**Senator Abetz** asked the Minister for Tertiary Education, Skills, Science and Research, upon notice, on 31 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection: (a) what has been its purpose; (b) what resources have been used; (c) who requested it; (d) to whom has it been circulated; and (e) can a copy be provided.

**Senator Chris Evans:** The answer to the honourable senator's question is as follows:

(a) To assist Portfolio Ministers with community engagement activity by providing Portfolio related information.

(b) Electorate related information is routinely provided to Portfolio Ministers and is part of regular business. As a result the specific resources allocated to this task cannot be disaggregated.

(c) Portfolio Minister(s).

(d) The requesting Portfolio Minister(s).

(e) To support Portfolio Ministers attend events and functions across Australia, the Department routinely provides briefs that set out Government expenditure in specific electorates. The information provided in these briefs includes information on Commonwealth government programs, investment and expenditure.

Consistent with longstanding practice, the Department provides a range of advice to relevant Ministers. Consideration of these briefs is a matter for the Australian Government.


**Defence: Electorate Data Spending**

*(Question Nos 2405, 2434 and 2438)*

**Senator Abetz** asked the Minister representing the Minister for Defence, the Minister representing the Minister for Defence Personnel and Science and Minister representing the Minister for Defence Materiel, upon notice, on 31 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection:

(a) what has been its purpose;

(b) what resources have been used;

(c) who requested it;

(d) to whom has it been circulated; and

(e) can a copy be provided.
Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

Defence provides a breakdown of spending by electorate via the 'Fast Facts' booklet which is produced yearly. This is publicly available to all Ministers for Parliament, Senators and members of the public.

To provide a more comprehensive response would be too resource intensive and an unreasonable amount of departmental resources would be required to develop a response.

Government Programs
(Question No. 2408, 2409, 2439 and 2440)

Senator Abetz asked the Minister representing the Attorney-General, Minister for Emergency Management, Minister for Home Affairs and Minister for Justice upon notice, on 31 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection: (a) what has been its purpose; (b) what resources have been used; (c) who requested it; (d) to whom has it been circulated; and (e) can a copy be provided.

Senator Ludwig: The Attorney-General, Minister for Emergency Management, Minister for Home Affairs and Minister for Justice have provided the following answer to the honourable senator's question:

To support the Attorney-General and the Minister for Home Affairs attendance at events across Australia, the Department has provided briefs that set out government expenditure in specific electorates.

The information provided in these briefs includes information on Commonwealth government programs and expenditure.

Consistent with longstanding practice, departments provide a range of advice to relevant ministers. Consideration of these briefs is a matter for the Australian Government.

Foreign Affairs; and Trade and Competitiveness: Programs, Initiatives and Decisions
(Question Nos 2412 and 2419)

Senator Abetz asked the Minister for Foreign Affairs and the Minister for Trade and Competitiveness, upon notice, on 31 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection:
(a) what has been its purpose;
(b) what resources have been used;
(c) who requested it;
(d) to whom has it been circulated; and
(e) can a copy be provided.

Senator Bob Carr: On behalf of the Minister for Trade and Competitiveness and myself, the answer to the honourable senator's question is as follows:
No departments, agencies or authorities within the portfolio have undertaken any electorate-by-electorate dissection for actual or potential Government programs, decisions or initiatives.

Over many years, however, Austrade has maintained a database which can provide details of Export Market Development Grant payments by electorate. Details can be provided on request. As specified by the Australian Trade Commission Act 1985, details include the name and address of the recipient company, its industry and the amount of the grant paid.

**Sustainability, Environment, Water, Population and Communities: Programs, Initiatives or Decisions**

*Question No. 2413*

**Senator Abetz** asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 30 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection: (a) what has been its purpose; (b) what resources have been used; (c) who requested it; (d) to whom has it been circulated; and (e) can a copy be provided.

**Senator Conroy:** The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

1. To support the Minister attending events and functions across Australia, the department routinely provides briefs that set out government expenditure in specific electorates.

   The information provided in these briefs includes information on Commonwealth government programs, initiatives, investment and expenditure.

   Consistent with longstanding practice, the department provides a range of advice to the Minister. Consideration of these briefs is a matter for the Australian Government.

**Finance and Deregulation: Government Programs, Initiatives and Decisions**

*Question No. 2414*

**Senator Abetz** asked the Minister for Finance and Deregulation, upon notice, on 31 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection:

(a) what has been its purpose;
(b) what resources have been used;
(c) who requested it;
(d) to whom has it been circulated; and
(e) can a copy be provided.

**Senator Wong:** The answer to the honourable senator's question is as follows:

No.

**Government Program Initiatives**

*Question Nos 2415, 2424, 2431, 2432 and 2443*

**Senator Abetz** asked the Minister representing the Minister for School Education, Early Childhood and Youth, the Minister representing the Minister for Employment and Workplace Relations, the Minister representing the Minister for Early Childhood and Childcare and the
Minister representing the Minister for Indigenous Employment and Economic Development, upon notice, on 31 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection:
(a) what has been its purpose;
(b) what resources have been used;
(c) who requested it;
(d) to whom has it been circulated; and

Senator Kim Carr: The Minister for School Education, Early Childhood and Childcare has provided the following answer to the honourable senator's question:

To support the Ministers attending events and functions across Australia, the Department routinely provides briefs that set out government expenditure in specific electorates.

The information provided in these briefs includes information on Commonwealth Government programs, investment and expenditure.

Consistent with longstanding practice, departments provide a range of advice to relevant Ministers. Consideration of these briefs is a matter for the Australian Government.

Agriculture, Fisheries and Forestry: Government Programs, Initiatives and Decisions
(Question No. 2416)

Senator Abetz asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 30 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection; (a) what has been its purpose; (b) what resources have been used; (c) who requested it (d) to whom has it been circulated; and (e) can a copy be provided.

Senator Ludwig: The answer to the honourable senator's question is as follows:

There have been no electorate-by-electorate dissections for actual or potential government programs, initiatives or decisions prepared by the department, its agencies or authorities within this portfolio.

We respond to requests for information, for example, requests from media and the Department of the Prime Minister and Cabinet, for different electorates, but we do not do 'electorate-by-electorate' dissections.

Resources and Energy and Tourism: Government Programs, Initiatives and Decisions
(Question Nos 2417 and 2418)

Senator Abetz asked the Minister for Resources & Energy and the Minister for Tourism, upon notice, on 30 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection:
(a) what has been its purpose;
(b) what resources have been used;
(c) who requested it;
(d) to whom has it been circulated; and
(e) can a copy be provided.

**Senator Chris Evans:** The Minister for Resources & Energy and the Minister for Tourism has provided the following response to the honourable senator's question:
The Department of Resources, Energy & Tourism does not brief on electorate-by-electorate dissections for actual or potential Government programs.
The department does however routinely provide briefs that set out government expenditure in specific electorates. These briefs generally coincide with a ministerial visit for a grant announcement, for example, T-QUAL grants and the like.
The information provided in these briefs includes information on Commonwealth government programs, investment and expenditure.

**Industry, Innovation, Science, Research and Tertiary Education**
*(Question No. 2420)*

**Senator Abetz** asked the Minister representing the Minister for Industry and Innovation, upon notice, on 31 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection: (a) what has been its purpose; (b) what resources have been used; (c) who requested it; (d) to whom has it been circulated; and (e) can a copy be provided.

**Senator Lundy:** The Minister for Industry and Innovation has provided the following answer to the honourable senator's question:

Please refer to the answer provided to Senate Question on Notice 2401.

**Climate Change and Energy Efficiency**
*(Question No. 2421)*

**Senator Abetz** asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice on 31 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection:

(a) what has been its purpose;
(b) what resources have been used;
(c) who requested it;
(d) to whom has it been circulated; and
(e) can a copy be provided.

**Senator Ludwig:** The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

To support the Prime Minister attending events and functions across Australia, the Department routinely provides electorate data for the National Solar Schools Program and the Solar Hot Water Rebate.
Consistent with longstanding practice, departments provide a range of advice to relevant ministers. Consideration of these briefs is a matter for the Australian Government.

**Social Inclusion**
(Question No. 2425)

**Senator Abetz** asked the Minister representing the Minister for Social Inclusion, upon notice, on 30 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection: (a) what has been its purpose; (b) what resources have been used; (c) who requested it; (d) to whom has it been circulated; and (e) can a copy be provided.

**Senator Chris Evans:** The Minister for Social Inclusion has provided the following answer to the honourable senator's question:

The Minister for Social Inclusion is in the Prime Minister and Cabinet Portfolio. Please refer to the Prime Minister's response to Senate Question Number 2399.

**Industry, Innovation, Science, Research and Tertiary Education**
(Question No. 2427)

**Senator Abetz** asked the Minister representing the Minister for Small Business, upon notice, on 31 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection: (a) what has been its purpose; (b) what resources have been used; (c) who requested it; (d) to whom has it been circulated; and (e) can a copy be provided.

**Senator Lundy:** The Minister for Small Business has provided the following answer to the honourable senator's question:

Please refer to the answer provided to Senate Question on Notice 2401.

**Housing; and Homelessness: Programs, Initiatives or Decisions**
(Question Nos 2428 and 2429)

**Senator Abetz** asked the Minister representing the Minister for Housing and the Minister for Homelessness, upon notice, on 31 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection: (a) what has been its purpose; (b) what resources have been used; (c) who requested it; (d) to whom has it been circulated; and (e) can a copy be provided.

**Senator Chris Evans:** The Minister for Housing and the Minister for Homelessness has provided the following answer to the honourable senator's question:

(a) to (e) The Department from time to time prepares briefs with factual information on a specific location (which may include one or more electorates) to support a senior official or Ministerial visit or event.

The Department publishes a series of grant reports by selected boundaries including electorate to assist policy developers, researchers and others better understand how its grant funding is contributing to community services across Australia at:

Human Services: Electorate Data Spending
(Question No. 2430)
Senator Abetz asked the Minister for Human Services, upon notice, on 30 October 2012:
Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection: (a) what has been its purpose; (b) what resources have been used; (c) who requested it; (d) to whom has it been circulated; and (e) can a copy be provided.

Senator Kim Carr: The answer to the honourable senator's question is as follows:
Consistent with longstanding practice, the Department of Human Services (the Department) provides a range of briefings to me, including electorate data that may be used to support my attendance at events around Australia. Consideration of these briefs is a matter for the Australian Government.
The Department also makes available some electorate-by-electorate data on the programs it delivers across Australia on behalf of the Department of Education, Employment and Workplace Relations, the Department of Families, Housing, Community Services and Indigenous Affairs, the Department of Health and Ageing and the Department of Industry, Innovation, Science, Research and Tertiary Education. This data is publicly available at the following website:

Veterans' Affairs: Government Programs, Initiatives or Decisions
(Question No. 2433)
Senator Abetz asked the Minister representing the Minister for Veterans' Affairs, upon notice 30 October 2012:
Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection:
(a) what has been its purpose;
(b) what resources have been used;
(c) who requested it;
(d) to whom has it been circulated; and
(e) can a copy be provided.

Senator Bob Carr: The Minister for Veterans' Affairs has provided the following answer to the honourable senator's question:
The Department of Veterans' Affairs (DVA) regularly compiles statistics which are made available on its website. As part of these it has provided Federal Electorate Profiles which are updated quarterly, i.e March, June, September, December, since at least 2005. The federal electorate boundaries are those current since the August 2010 Federal Election. These are available at www.dva.gov.au/aboutDVA/Statistics/Pages/Statistics.aspx

Public Service and Integrity
(Question No. 2436)
Senator Abetz asked the Minister representing the Minister for the Public Service and Integrity in the Senate, upon notice, on 30 October 2012:
Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection: (a) what has been its purpose; (b) what resources have been used; (c) who requested it; (d) to whom has it been circulated; and (e) can a copy be provided.

**Senator Chris Evans:** The Minister for the Public Service and Integrity has provided the following answer to the honourable senator's question:

The Minister for the Public Service and Integrity is in the Prime Minister and Cabinet Portfolio. Please refer to the Prime Minister's response to Senate Question Number 2399.

**Special Minister of State: Government Programs, Initiatives and Decisions**

**(Question No. 2437)**

Senator Abetz asked the Minister representing the Special Minister of State, upon notice, on 31 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection:

(a) what has been its purpose;
(b) what resources have been used;
(c) who requested it;
(d) to whom has it been circulated; and
(e) can a copy be provided.

**Senator Wong:** The Special Minister of State has supplied the following answer to the honourable senator's question:

Please refer to the Minister for Finance and Deregulation's response to Question No. 2414.

**Community Services and Status of Women**

**(Question Nos 2441 and 2442)**

Senator Abetz asked the Minister representing the Minister for Community Services and the Minister for the Status of Women, upon notice, on 31 October 2012:

Since 1 July 2010, have any electorate-by-electorate dissections for actual or potential Government programs, initiatives or decisions been prepared by departments, agencies or authorities within the Minister's portfolio; if so, for each dissection:

(a) what has been its purpose;
(b) what resources have been used;
(c) who requested it;
(d) to whom has it been circulated; and
(e) can a copy be provided.

**Senator Chris Evans:** The Minister for Community Services and the Minister for the Status of Women provides the following answer to the honourable senator's question:

(a) to (e) The Department from time to time prepares briefs with factual information on a specific location (which may include one or more electorates) to support a senior official or Ministerial visit or event.

The Department publishes a series of grant reports by selected boundaries including electorate to assist policy developers, researchers and others better understand how its grant funding is contributing to community services across Australia at:

Tax Studies Institute
(Question No. 2449)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 1 November 2012:

With reference to the Tax Studies Institute announced in October 2011 as an outcome of the Tax Forum, and for which $3 million of funding over 3 years from 2012-13 was announced in the Mid-Year Economic and Fiscal Outlook 2011-2012:

(1) Given the reference made in the 2012-13 Budget document Tax Reform Road Map of the intention to establish a Tax Studies Institute in 2012, is the Government still committed to the Tax Studies Institute.

(2) What reasons are there to explain the delay in establishing the Tax Studies Institute.

(3) What is the current plan to establish the institute, including: timing, the nature of the resources to be made available to the institute, and its governance.

(4) Has the department held discussions with academics, professional services firms or other bodies with a view to resourcing the Tax Studies Institute; if so, can details regarding the nature of the discussions and the outcomes be provided.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

(1) Yes.

(2) The Government is considering the best way of establishing and structuring the Institute, including the design of its governance arrangements.

(3) See answer to Question (2). In the 2011-12 MYEFO, the Government announced that it would provide $3 million over three years to establish the Tax Studies Institute. The Institute will also have deductible gift recipient status.

(4) Treasury officers have consulted a range of interested parties, including academics, industry, tax practitioners and state government representatives. A number of options and models for the Institute were discussed. We are still receiving feedback from stakeholders. The Government is factoring this input into its consideration of the issue.

Council of Australian Governments: Meetings
(Question No. 2450)

Senator Waters asked the Minister representing the Prime Minister, upon notice, on 1 November 2012:

(1) What meetings were held, either before or after the April 2012 Council of Australian Governments (COAG) meeting, to gain community views about the Business Advisory Forum (BAF) proposal for approvals bilateral under the Environment Protection and Biodiversity Conservation Act 1999, including details of the attendees, purpose, length and outcomes of discussions for each meeting.

(2) What meetings were held with business and industry prior to the April 2012 COAG meeting in preparation for the BAF meeting of April 2012, including details of the attendees, purpose, length and outcomes of discussions for each meeting.

(3) What independent assessment was prepared by the Government of the claims made by business that environmental regulation was duplicated and caused delays, including when this analysis was undertaken; if no analysis was undertaken, why not.

QUESTIONS ON NOTICE
(4) Was any independent assessment undertaken of other jurisdictions, including the United States, to determine whether Australia’s alleged “green tape” burdens are lesser or greater than that of other comparable jurisdictions; if so, when was this analysis undertaken; if not, why not.

(5) Was any independent assessment undertaken of what Australia’s environmental regulation frameworks deliver for the community and the likely risks associated with a handover of federal environmental approvals powers to state and territory governments; if so, when was this analysis undertaken; if not, why not.

Senator Chris Evans: The Prime Minister has provided the following answer to the honourable senator’s question:

(1) The Department of the Prime Minister and Cabinet (PM&C) has sought community views (particularly those of environment NGOs), in relation to the Business Advisory Forum (BAF) proposal for approval of bilateral agreements under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act). There will be further opportunities for public input as the reform progresses. The details of meetings to date are set out below.

- 4 July 2012: PM&C representatives attended two 1.5 hour forums hosted by the Department of Finance and Deregulation to seek stakeholder feedback on COAG’s competition and regulatory reform agenda, including environment regulation reform, as agreed in April 2012. One forum was held for environment NGOs and the other for industry. Invitees that attended included representatives from Commonwealth, state and territory governments, business and environment NGOs.

- 6 July 2012: meeting with representatives from the NSW Environmental Defenders Office to discuss the environment regulation reform proposal.

- 1 August 2012: meeting with representatives from the Australian Conservation Foundation (ACF) to discuss the environment regulation reform proposal.

- 2 November 2012: 1 hour stakeholder briefing on the Commonwealth’s draft Framework of Standards for Accreditation (the draft standards), which were publicly released on the same day. Out of approximately 30 invitees, representatives from the following organisations attended:

- 12 November: 1 hour stakeholder briefing on the draft standards. Out of approximately 110 invitees, representatives from the following organisations attended:

Stakeholder feedback at these meetings has been consistent. Environment groups maintain their opposition to the reform, while business groups are generally supportive. To date public feedback on the draft standards has been minimal.
PM&C met with the Business Council of Australia, the Australian Industry Group and the Australian Chamber of Commerce and Industry to prepare for the Business Advisory Forum on 12 April 2012. The meetings were convened to discuss business priorities for discussion at the BAF, which in turn informed the April 2012 BAF agenda.

The following are independent reports that address inefficiencies and duplication in Australia's environmental regulatory framework:


No.

Yes. See the Independent review of the EPBC Act.

Tasmanian Forests Intergovernmental Agreement
(Question No. 2452)

Senator Milne asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 1 November 2012:

With reference to expenditure under the Tasmanian Forests Intergovernmental Agreement (TFIA) between the Commonwealth and the Tasmanian Governments:

1. How much of the $14 million to $25 million has been spent under clause 12 of the TFIA; and to which organisations have those funds been dispersed.
2. How much money has been given to ForestWorks Limited under clause 13, and are these funds additional to the funds identified in clause 12.
3. How much money has been given to Rural Alive and Well Inc under clause 14, and are these funds additional to those identified in clause 12.
4. Since December 2009, how much money has been spent on voluntary exits for contractors from public native forest operations under the TFIA and associated agreements.

QUESTIONS ON NOTICE
(5) What is the total amount of money spent on the: (a) Tasmanian Forest Contractors Exit Assistance Program; (b) Tasmanian Forest Contractors Financial Support Program; and (c) Tasmanian Forests Intergovernmental Agreement - Contractors Voluntary Exit Grants Program.

(6) (a) How much Commonwealth funding was paid as part of the Gunns settlement in late 2011; (b) how much of this went to Gunns and how much to Forestry Tasmania; and (c) from which allocations and clauses in the TFIA did this money originate.

(7) How much of the $43 million identified in clause 34 has been dispersed, to which entities and for what purposes.

(8) Has the $7 million identified in clause 35 as a payment to the Tasmanian Government for reserve management been made and for what purpose was the actual payment made.

(9) Has any of the additional $28 million identified in clause 35 been made and for what purposes.

(10) Can a breakdown be provided of recipients of funding for regional development and economic diversification as identified in clause 41.

(11) Can a complete breakdown be provided of all money spent under the auspices of the TFIA and a complete list of recipients.

**Senator Conroy:** The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

With reference to expenditure under the Tasmanian Forests Intergovernmental Agreement (TFIA) between the Commonwealth and the Tasmanian Governments:

(1) The package of assistance to support workers made redundant as a result of restructuring in the forestry industry in Tasmania includes support through Job Services Australia (JSA). Total expenditure for JSA services for the period 1 June 2011 to 31 October 2012 is approximately $1.2 million.

Funding is dispersed to JSA providers across all states according to where eligible redundant workers chose to register for employment support. A full list of JSA providers is included in the response to question 11.

The Australian Government announced that $2 million in 2011/12 would be provided through the Innovation Fund with proponent O'Group and subcontractor ForestWorks. This project concluded on 30 June 2012.

The government also announced $3.9 million in 2012 through a contract with proponent ForestWorks to continue delivery of these project officer services. As at 31 October 2012, total expenditure to date under this project is $1.3 million.

(2) Funding under clause 13 of the TFIA was provided by the Tasmanian Government. The allocation and use of that funding is a matter for the Tasmanian Government. This funding contribution is in addition to the funding provided for under clause 12 of the TFIA.

(3) Consistent with clause 14 of the TFIA, Rural Alive and Well has received $500,000 in 2011/12, provided by the Tasmanian Government, and $300,000 in 2012/13, provided by the Commonwealth Government. An additional $200,000 of Commonwealth Government funding is also committed to be provided to Rural Alive and Well in 2012/13. This funding is in addition to the funding provided for under clause 12 of the TFIA.

(4) The Australian Government has funded one contractor exit program under the TFIA: the Tasmanian Forests Intergovernmental Agreement Contractors Voluntary Exit Grants Program (IGACEP). Approximately $42.6 million was paid to harvest, haulage and silviculture contractors under this program.
(5) The total amount spent on programs is as follows:
   (a) Tasmanian Forest Contractors Exit Assistance Program: approximately $18.2 million was paid to grant recipients under this program.
   (b) Tasmanian Forest Contractors Financial Support Program: approximately $5.6 million was provided to the Tasmanian Government to administer this program, including $216,000 for administration costs. Grants provided to recipients totalled approximately $5.4 million.
   Note that the programs at 5a. and b. were not funded through the TFIA—these were part of a separate funding package announced by the Commonwealth and Tasmanian governments on 23 November 2010, to provide exit assistance and ongoing business support for Tasmanian forest contractors.
   (c) Tasmanian Forests Intergovernmental Agreement—Contractors Voluntary Exit Grants Program: approximately $42.6 million has been paid to recipients under this program, and approximately $980,000 was provided to the Department of Agriculture, Fisheries and Forestry for administration costs.

(6) As required by clause 34 of the TFIA, the Australian Government provided $43 million to the Tasmanian Government to facilitate implementation of the TFIA. This funding was supplemented by an additional $7 million as per clause 35 of the TFIA.
   Consistent with clause 22 of the TFIA, the Tasmanian Government engaged in a process with Gunns Ltd to ensure that a sufficient volume of native forest sawlog supply was retired to achieve the outcomes of the TFIA.
   The Tasmanian Premier announced on 14 September 2011 that Gunns Ltd had formally agreed to accept an offer of $23 million to retire its residual rights over native forest harvesting and to resolve disputed debts between Gunns and Forestry Tasmania. As part of the process the Tasmanian Government also reached agreement with Forestry Tasmania to accept $11.5 million to settle its disputed debts with Gunns.
   Of the $50 million provided to the Tasmanian Government under clauses 34 and 35 of the TFIA, remaining funding will be used to support voluntary compensable exits by sawmills ($15 million) and to provide information to and consult with affected communities.

(7) See the response to question six above.

(8) Funding of $7 million was paid to the Tasmanian Government, in accordance with clause 35 of the TFIA, which provides for an immediate payment in 2011/12 to support the management of additional reserves. As there were no new reserves added to the estate in 2011, the Commonwealth and Tasmanian Governments agreed that this funding would be allocated to support the outcomes of clause 34 of the TFIA (see the response to question six above). This payment was made, subject to the receipt of advice from the State on 17 October 2011, that the Tasmanian Government had retired native sawlog supply in accordance with clause 22 of the TFIA.

(9) Clause 35 of the TFIA provides for funding of $7 million per annum to the Tasmanian Government to support the ongoing management of additional areas of reserves. This funding is contingent on the passage of legislation to allow formal protection of agreed additional reserves. Accordingly, no payments (beyond the initial $7 million referred to in the response to question six above) have been made to the Tasmanian Government to date.

(10) Funding under clause 41 of the TFIA has been spent on the following:
   - $16 million has been provided to fund 10 regional development and economic diversification projects. Details of projects and recipients can be found at: http://www.regional.gov.au/regional/tasmania/projects.aspx
$8 million has been provided to fund 28 projects under the Tasmanian Innovation and Investment Fund. Details of projects and recipients funded can be found at: www.ausindustry.gov.au/programs/regional-innovation/tiif/Documents/TIIF-SuccessfulApplicants.pdf

(11) See table below.

Tasmanian Forests Intergovernmental Agreement – Funding breakdown

<table>
<thead>
<tr>
<th>Amount</th>
<th>Purpose</th>
<th>Recipient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $25 million (TFIA clause 12)</td>
<td>Employment/retraining/relocation assistance</td>
<td>JSA providers who have utilised funding to assist redundant Tasmanian forestry workers: A4e Australia Adult Multicultural Education Services (AMES) Campbell Page CatholicCare CVGT Australia Employment Services Queensland Job Futures Ltd Job Prospects Jobfind Centre Marrickville Community Training Centre Inc MatchWorks MAX Employment Mission Australia Neato Employment Services O’Group - Choose Employment PVS Workfind Quality Innovation Training and Employment Sarina Russo Jobs Access (Australia) Pty Ltd Summit Employment and Training The ORS Group The Salvation Army (VIC) Property Trust Tursa Employment &amp; Training WISE Employment Ltd WorkSkil Workskills Employment Solutions Funding to support project officers also provided to ForestWorks Ltd.</td>
</tr>
<tr>
<td>$15 million (TFIA clause 13)</td>
<td>Tasmanian Government contribution for transition support payments</td>
<td>Matter for Tasmanian Government (not a Commonwealth contribution)</td>
</tr>
<tr>
<td>$1 million (TFIA clause 14)</td>
<td>Mental health counselling and community well-being services</td>
<td>Rural Alive and Well</td>
</tr>
<tr>
<td>$45 million (TFIA clause 16)</td>
<td>Contractor exit support for haulage, harvest and silvicultural contractors</td>
<td>The recipients are: Woodland Management Pty Ltd Highlander Operations Pty Ltd K &amp; M Phillips Pty Ltd as Trustee for K &amp; M Phillips Family Trust P &amp; J Stone Pty Ltd as Trustee for Paul A Stone Family Trust Saunders Logging Pty Ltd as Trustee for</td>
</tr>
<tr>
<td>Amount</td>
<td>Purpose</td>
<td>Recipient</td>
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<td>Saunders Family Trust</td>
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<td></td>
<td></td>
<td>WB &amp; BP Triffett Logging Pty Ltd</td>
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<td></td>
<td></td>
<td>Townsend Log Hauliers Pty Ltd as The Trustee for Trudi Townsend Family Trust</td>
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<td></td>
<td></td>
<td>Kevin Morgan Pty Ltd</td>
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<td>Neville Wray &amp; Co Pty Ltd</td>
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<td>Arbre Pty Ltd</td>
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<td>Samjack Pty Ltd</td>
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<td>Tasmanian Timber Harvesting Company Proprietary Ltd as Trustee for Dale W Rigby Family Trust</td>
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<td></td>
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<td>Tuger Logging Pty Ltd</td>
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<td></td>
<td>Graeme Geoffrey Whish-Wilson</td>
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<td>CD &amp; JL Walters</td>
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<td></td>
<td></td>
<td>M D Tree Felling Pty Ltd as Trustee for M D Tree Felling Trust</td>
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<td>SL &amp; DL Rouse</td>
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<td></td>
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<td>Rodane Pty Ltd</td>
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<td></td>
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<td>Steven Rowe and Anna Rowe as Trustees for Steven Rowe Family Trust</td>
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<td></td>
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<td>Whatley Haulage Pty Ltd</td>
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<tr>
<td></td>
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<td>David Rowe</td>
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<td>Darryn Wayne Hodgetts trading as Hodgetts Haulage</td>
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<td>PL &amp; TJ Page Pty Ltd</td>
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<td>RJ &amp; DL Terry Pty Ltd as Trustee for RJ &amp; DL Terry Family Trust</td>
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<td>E.A. Triffett &amp; Son Pty Ltd</td>
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<td>Tas Timber &amp; Transport Pty Ltd</td>
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<td>K.J. and S.M. Williams Pty Ltd</td>
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<td>M.V &amp; D.M Jordan trading as Jordan Bros Aprin Pty Ltd as Trustee for Aprin Logging Trust AND as Trustee for Aprin Transport Trust</td>
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<tr>
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<td></td>
<td>Riella Pty Ltd as Trustee for Howell Family Trust</td>
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<td></td>
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<td>Maxwell Allan McLaren</td>
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<td></td>
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<td>Gillie Harvesting Pty Ltd</td>
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<td></td>
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<td>Joseph Dale Banfield</td>
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<td></td>
<td></td>
<td>Bevan Stanley White</td>
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<td>Harback Logging Pty Ltd</td>
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<td>Chatwin Logging Pty Ltd</td>
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<td>Oakley Logging Pty Ltd</td>
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<td></td>
<td></td>
<td>Highcity Pty Ltd as Trustee for the Genuine Trust</td>
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<tr>
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<td>M K Haulage (Tas) Pty Ltd</td>
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<tr>
<td></td>
<td></td>
<td>KG &amp; KJ Marsh</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Heybridge Enterprises Pty Ltd</td>
</tr>
<tr>
<td>Amount</td>
<td>Purpose</td>
<td>Recipient</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------</td>
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<tr>
<td>$43 million</td>
<td>Support to facilitate implementation of the TFIA, including at least $15 million to support voluntary compensable exits by sawmillers wishing to exit the industry under clause 23 of the TFIA.</td>
<td>Tasmanian Government</td>
</tr>
<tr>
<td>$7 million per annum ($28 million) (TFIA clause 35)</td>
<td>Support for the management of additional areas of reserves.</td>
<td>Tasmanian Government - $7 million in 2011-12 only. No further payments made to date.</td>
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Total: $277 million
Financial Management and Accountability
(Question No. 2454)

Senator Bushby asked the Minister representing the Prime Minister in the Senate on 2 November 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

1. How many Australian Public Service full time equivalent staff are engaged by each department, agency and authority in relation to: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

2. What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.

3. Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013-14 financial year.

4. For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.

5. Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority impose on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.

6. Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

Senator Chris Evans: The Prime Minister has provided the following answer to the honourable senator's question:

1. Given the very broad nature of the question attempting to answer this question would cause an unreasonable diversion of resources.

2. In 2008 the Australian Government introduced a Lobbying Code of Conduct and established a Register of Lobbyists to ensure that contact between lobbyists and Commonwealth Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty.


The National Compact: working together was launched in March 2010, and is an agreement between the Australian Government and the not-for-profit sector to find new and better ways of working together based on mutual trust, respect and collaboration. All Commonwealth portfolios are committed to the National Compact and NFPs are able to become National Compact partners on a voluntary basis.
The National Compact was co-created by the government and a broad range of not-for-profit organisations following extensive consultation.

The Australian National Audit Office (ANAO) does not create the documents listed at (a) to (e) for the non-government sector. The ANAO does issue better practice guides to assist departments and agencies to improve their administration, but these better practices are not formal requirements. These better practice guides are available at:


The Australian Public Service Commission (APSC) provides guidelines for the APS employment framework and APS Public Service Bargaining Framework and advice on the APS Values and Code of Conduct. These documents are available at:


(3) Annual Regulatory Plans are managed within the Finance and Deregulation Portfolio. Please refer to the response provided by the Minister for Finance and Deregulation to question 2469.

(4) Annual Regulatory Plans are managed within the Finance and Deregulation Portfolio. Please refer to the response provided by the Minister for Finance and Deregulation to question 2469.

(5) Annual Regulatory Plans are managed within the Finance and Deregulation Portfolio. Please refer to the response provided by the Minister for Finance and Deregulation to question 2469.

(6) None of the agencies in the Prime Minister and Cabinet Portfolio impose cost-recovery schemes on the non-government sector.

**Financial Management and Accountability**

(Question Nos 2455, 2478 and 2499)

Senator Bushby asked the Minister representing the Treasurer, upon notice, on 1 November 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

(1) How many Australian Public Service full-time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

(2) What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.

(3) Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013-14 financial year.

(4) For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in...
addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.

(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.

(6) Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost-recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

(1) Given the very broad nature of the question attempting to answer this question would cause unreasonable diversion of resources.

(2) Given the very broad nature of the question attempting to answer this question would cause unreasonable diversion of resources.

(3) Annual Regulatory Plans are managed within the Finance and Deregulation, please refer to the response provided by the Minister for Finance and Deregulation to question 2469.

(4) Annual Regulatory Plans are managed within the Finance and Deregulation, please refer to the response provided by the Minister for Finance and Deregulation to question 2469.

(5) Annual Regulatory Plans are managed within the Finance and Deregulation, please refer to the response provided by the Minister for Finance and Deregulation to question 2469.

(6) The following link details the current guidance on cost recovery:


In relation to annual reporting, in accordance with Finance Circular 2005/09 all agencies with significant cost recovery arrangements need to prepare Cost Recovery Impact Statements (CRIS) when:

- reviews consistent with the Australian Government's review schedule for existing cost recovery arrangements are undertaken; or
- new cost recovery arrangements are proposed; or
- material amendments are made to existing arrangements (a general rule-of-thumb is that price changes greater than the Consumer Price Index would be considered material. However, in making a decision about materiality, agencies should also consider the likely impact on stakeholders); or
- periodic reviews of cost recovery arrangements are undertaken.

Only when a CRIS is prepared are agencies required to report annually. Under this circumstance, agencies need to separately identify all cost recovery revenues in notes to financial statements – to be published in portfolio budget statements and annual reports consistent with the Finance Minister's Orders.

Defence; Defence Personnel and Science; and Defence Materiel
(Question Nos 2460, 2489 and 2493 amended)

Senator Bushby asked the Minister representing the Minister for Defence, Minister representing the Minister for Defence Personnel and Science and Minister representing the Minister for Defence Materiel, upon notice, on 1 November 2012:
(1) How many Australian Public Service full time equivalent staff are engaged by each department, agency and authority in relation to the:

(a) creation;
(b) administration or management; and
(c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

(2) What and how many:

(a) compliance requirements;
(b) industry guidelines;
(c) best practice procedures;
(d) codes of conduct; and
(e) any other industrial manuals/documents, have been created since December 2007.

(3) Was an Annual Regulatory Plan completed for each of the 2009 10, 2010 11, 2011 12, and 2012-13 financial years, and will a plan be completed for the 2013 14 financial year.

(4) For the 2009 10, 2010 11, 2011 12, and 2012-13 financial years:

(a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and
(b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan:

(i) if more, which pieces of regulation were passed in addition to the plan, and
(ii) if fewer, which pieces of regulation were not passed and why were they not passed.

(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so:

(a) what is the total:

(i) direct, and
(ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and
(b) how much regulatory cost has each department, agency and authority:

(i) imposed, and
(ii) removed, from the non-government sector since August 2010.

(6) Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so:

(a) what are the cost recovery programs;
(b) what fees are currently being imposed; and
(c) in each case, by how much have these fees increased since August 2010.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question.

(1-2) The creation, administration and enforcement of Acts of Parliament, legislative instruments and quasi-regulation occurs across the entirety of Defence. Due to the breath and complexity of the question, an unreasonable amount of departmental resources would be required to develop a response.

(3-5) Annual Regulatory Plans are managed within the Finance and Deregulation. Please refer to the response provided by the Minister for Finance and Deregulation to Question on Notice No. 2469.

In relation to annual reporting, in accordance with Finance Circular 2005/09 all agencies with significant cost recovery arrangements need to prepare Cost Recovery Impact Statements (CRIS) when:

- reviews consistent with the Australian Government's review schedule for existing new cost recovery arrangements are proposed; or
- material amendments are made to existing arrangements (general periodic reviews of cost recovery arrangements are undertaken).

Only when a CRIS is prepared are agencies required to report annually. Under this circumstance, agencies need to separately identify all cost recovery revenues in notes to financial statements – to be published in portfolio budget statements and annual reports consistent with the Finance Minister's Orders.

**Infrastructure and Transport: Staffing**

(Question No. 2462)

Senator Bushby asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 2 November 2012:

(1) How many Australian Public Service full-time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

(2) What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.

(3) Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013-14 financial year.

(4) For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.

(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.

(6) Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost-recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

Senator Kim Carr: The Minister for Infrastructure and Transport has provided the following answer to the honourable senator's question:

(1) and (2) Given the very broad nature of the question attempting to answer this question would cause an unreasonable diversion of resources.

(3), (4) and (5) Annual Regulatory Plans are managed within the Finance and Deregulation portfolio, please refer to the response provided by the Minister for Finance and Deregulation to question 2469.
(6) Details in relation to the Department's cost recovery activities and current fees and charges are available on the Departmental web page.

Finance and Deregulation: Financial Management and Accountability
(Question Nos 2465, 2466, 2483, 2484, 2496 and 2497)

Senator Bushby asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs and the Minister for Disability Reform; the Minister for Housing and the Minister for Homelessness; and the Minister for Community Services and the Minister for the Status of Women, upon notice, on 1 November 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

(1) How many Australian Public Service full time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

(2) What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.

(3) Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013 14 financial year.

(4) For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan; and (i) if fewer, which pieces of regulation were not passed and why were they not passed.

(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.

(6) Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

Senator Chris Evans: The Minister for Families, Community Services and Indigenous Affairs and the Minister for Disability Reform; the Minister for Housing and the Minister for Homelessness; and the Minister for Community Services and the Minister for the Status of Women provide the following answer to the honourable senator's question:

(1) to (2) (e) Given the very broad nature of the question attempting to answer this question would cause an unreasonable diversion of resources.

(3) to (5) (b) (ii) Annual Regulatory Plans are managed within the Department of Finance and Deregulation. Please refer to the response provided by the Minister for Finance and Deregulation to question 2469.

(6) (a) to (c) The details of the current guidance on cost recovery can be found at: http://www.finance.gov.au/financial-framework/financial-management-policy-guidance/cost-recovery.html
Financial Management and Accountability
(Question No. 2468)

Senator Bushby asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, November 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

(1) How many Australian Public Service full-time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

(2) What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.

(3) Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013-14 financial year.

(4) For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.

(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.

(6) Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost-recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) Given the very broad nature of the question, providing an answer would cause an unreasonable diversion of resources.

(2) Given the very broad nature of the question, providing an answer would cause an unreasonable diversion of resources.

(3) Annual Regulatory Plans are managed within the Department of Finance and Deregulation. Please refer to the response provided by the Minister for Finance and Deregulation to question 2469.

(4) Annual Regulatory Plans are managed within the Department of Finance and Deregulation. Please refer to the response provided by the Minister for Finance and Deregulation to question 2469.

(5) Annual Regulatory Plans are managed within the Department of Finance and Deregulation. Please refer to the response provided by the Minister for Finance and Deregulation to question 2469.

(6) The following link details the current guidance on cost recovery:

The department imposes cost-recovery schemes on the non-government sector.
(a) The following are the department's (including Portfolio Agencies) cost recovery programs:

DSEWPaC cost recovery programs:
(i) Australian Bird and Bat Banding Scheme
(ii) Fuel Quality Standards Act 2000
(iii) Hazardous Waste Permits
(iv) Ozone Protection and Synthetic Greenhouse Gas Management Program
(v) Sea Dumping Permit Application Fees
(vi) Water Efficiency Labelling and Standards Scheme
(vii) Wildlife Trade Permits

Portfolio Agency cost recovery programs:
(viii) Great Barrier Reef Marine Park Authority – permit applications
(ix) Director of National Parks – park use, educational services and parking fees
(x) Bureau of Meteorology - Climate, Water, and Weather services and products;
Participates in collaborative research projects; Specific cost recovered services for areas such as Aviation, Defence and some commercial services.
(xi) Sydney Harbour Federation Trust - Tours; Development Applications; Liquor Licensing Fees

(b) The following fees are being currently imposed:

(i) Australian Bird and Bat Banding Scheme
   $54.25 annually per banding authority

(ii) Fuel Quality Standards Act 2000

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<th>Tier Description</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Tier 1</td>
<td>Less or equal to 1 ML</td>
<td>$2,575</td>
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<tr>
<td>Tier 2</td>
<td>Over 1 ML and less or equal to 25 ML</td>
<td>$25,000</td>
</tr>
<tr>
<td>Tier 3</td>
<td>Over 25 ML and less or equal to 100 ML</td>
<td>$70,000</td>
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<tr>
<td>Tier 4</td>
<td>Over 100 ML</td>
<td>$130,000</td>
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(iii) Hazardous Waste Permits

<table>
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<tr>
<th>Type of Permit</th>
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<tbody>
<tr>
<td>Application for Basel Export permit</td>
<td>$4,440 per application</td>
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<td>Application for Basel Import permit</td>
<td>$270 per application</td>
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<td>Notification of transit country</td>
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<td>Application to vary Basel export permit</td>
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<td>Application to vary Basel import permit</td>
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<tr>
<td>Application to vary special export permit</td>
<td>$110</td>
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<tr>
<td>Application to vary a special transit permit</td>
<td>$110</td>
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</table>

(iv) Ozone Protection and Synthetic Greenhouse Gas Management Program
A licence (or exemption) must be held by any person or entity from all sectors of the community wishing to import, export or manufacture substances regulated. A cost recovery levy (or fee for service) of $165/tonne imported is paid quarterly.

<table>
<thead>
<tr>
<th>Type of Licence</th>
<th>License Fee</th>
<th>Fee for Service</th>
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<tbody>
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<td>Controlled Substances Licence</td>
<td>$15,000</td>
<td>$165/tonne/quarter</td>
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<td>Essential Uses Licence</td>
<td>$3,000</td>
<td>$165/tonne/quarter</td>
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<tr>
<td>Used Substances License</td>
<td>$15,000</td>
<td>$165/tonne/quarter</td>
</tr>
<tr>
<td>Equipment Licence</td>
<td>$3,000</td>
<td>$165/tonne/quarter</td>
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<tr>
<td>Equipment Licence (Low Volume Import)</td>
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<td>$165/tonne/quarter</td>
</tr>
<tr>
<td>Section 40 Exemption</td>
<td>$3,000</td>
<td>$165/tonne/quarter</td>
</tr>
<tr>
<td>Methyl Bromide Licence</td>
<td>$15,000</td>
<td>$165/tonne/quarter</td>
</tr>
</tbody>
</table>

(v) Sea Dumping Permit Application Fees

<table>
<thead>
<tr>
<th>Material Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dredged or excavated material &lt;100,000 m³</td>
<td>$10,000</td>
</tr>
<tr>
<td>Dredged or excavated material &gt;100,000 m³</td>
<td>$23,500</td>
</tr>
<tr>
<td>Artificial reef</td>
<td>$10,000</td>
</tr>
<tr>
<td>Burial at sea</td>
<td>$1,675</td>
</tr>
<tr>
<td>Platform</td>
<td>$12,700</td>
</tr>
<tr>
<td>Vessel</td>
<td>$12,700</td>
</tr>
<tr>
<td>Disposal of Sewage</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

The fee for an application to vary a permit is $860.

(vi) Water Efficiency Labelling and Standards Scheme

$1,500 to register a product, or family of product for 5 years

(vii) Wildlife Trade Permits

<table>
<thead>
<tr>
<th>Type of Permit</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal baggage permit</td>
<td>$1</td>
</tr>
<tr>
<td>Single use permit</td>
<td>$30</td>
</tr>
<tr>
<td>Multiple use permit</td>
<td>$75/six month</td>
</tr>
<tr>
<td>Testing permits</td>
<td>$150</td>
</tr>
<tr>
<td>Exceptional circumstances permit</td>
<td>$150</td>
</tr>
<tr>
<td>Household pets permits</td>
<td>$150</td>
</tr>
<tr>
<td>Facility assessment</td>
<td>$150</td>
</tr>
</tbody>
</table>

(viii) Great Barrier Reef Marine Park Authority

The GBRMPA administers permits and other permission structures under the Great Barrier Reef Marine Park Act 1975, the Great Barrier Reef Marine Park Regulations 1983, the Great Barrier Reef Marine Park Zoning Plan 2003, the Sea Installations Act 1987, the Environment Protection (Sea Dumping) Act 1981, and the Environment Protection (Sea Dumping) Regulations 1983. Permits are required for anyone (including individuals, companies, incorporated bodies and government departments and agencies) intending to conduct activities in the GBRMP which require permission under any of the pieces of legislation that the GBRMPA administers. Fees are applied for the administration of permits.

Fees collected by the GBRMPA in relation to permits (and all other permission structures) range from $51 (administrative fee) to $105,290 (assessment of an application requiring an Environment Impact Statement). (NOTE: 2012 Schedule of Fees provided below)
Permit Application Assessment Fees 2012

Part 1: Fees for assessments in respect of applications for permission

<table>
<thead>
<tr>
<th>Fee Category</th>
<th>2012 Initial Fee</th>
<th>2012 'Further Permit' Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Use of a vessel etc. pax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Less than 25</td>
<td>$670</td>
<td>$670</td>
</tr>
<tr>
<td>(b) 25-50</td>
<td>$960</td>
<td>$770</td>
</tr>
<tr>
<td>(c) 51-100</td>
<td>$1,750</td>
<td>$1,070</td>
</tr>
<tr>
<td>(d) 101-150</td>
<td>$2,910</td>
<td>$1,540</td>
</tr>
<tr>
<td>(e) More than 150</td>
<td>$4,870</td>
<td>$1,940</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Use of a facility or structure</td>
<td>$2,140</td>
<td>$2,140</td>
</tr>
<tr>
<td>(b) Advertising</td>
<td>$7,780</td>
<td>$2,910</td>
</tr>
<tr>
<td>(c) PER</td>
<td>$38,980</td>
<td>$38,980</td>
</tr>
<tr>
<td>(d) PER continuation</td>
<td>$4,870</td>
<td>$4,870</td>
</tr>
<tr>
<td>(e) EIS</td>
<td>$105,290</td>
<td>$105,290</td>
</tr>
<tr>
<td>(f) EIS continuation</td>
<td>$4,870</td>
<td></td>
</tr>
<tr>
<td>3. Other Activities</td>
<td>$670</td>
<td>$670</td>
</tr>
</tbody>
</table>

Part 2: Fees for other applications and requests

<table>
<thead>
<tr>
<th>Fee Category</th>
<th>2012 Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Transfer</td>
<td>$554</td>
</tr>
<tr>
<td>2. Variation of a condition</td>
<td>$380</td>
</tr>
<tr>
<td>3. Change to a Vessel Notification Approval</td>
<td>$51</td>
</tr>
<tr>
<td>4. Replacement of a BIN or the document evidencing an identification number</td>
<td>$51</td>
</tr>
<tr>
<td>5. Re-issue of a permit</td>
<td>$51</td>
</tr>
<tr>
<td>6. Request to the Authority for information about any of the following:</td>
<td>$51</td>
</tr>
<tr>
<td>(a) the conditions to which the permission is subject;</td>
<td></td>
</tr>
<tr>
<td>(b) whether the permission is in force;</td>
<td></td>
</tr>
<tr>
<td>(c) the activities for which the permission has been granted</td>
<td></td>
</tr>
<tr>
<td>7. Request to vary an application if, as a result of the variation:</td>
<td>$51</td>
</tr>
<tr>
<td>(a) the Authority must notify or renotify;</td>
<td></td>
</tr>
<tr>
<td>(b) an assessment, or an additional assessment, must be made</td>
<td>$51</td>
</tr>
<tr>
<td>8. Request for a summary of documents, being a list of any or all of the following:</td>
<td>$51</td>
</tr>
<tr>
<td>(a) each permission granted to the person making the request;</td>
<td></td>
</tr>
<tr>
<td>(b) each application made by the person</td>
<td></td>
</tr>
</tbody>
</table>

(ix) Director of National Parks

The Director of National Parks imposes a cost-recovery scheme on the non-government sector. This scheme is for "Park Use, Educational Services and Parking Fees".

QUESTIONS ON NOTICE
The following fees are incorporated in this cost recovery scheme:

1. Visitor Management – Park Use Fee
   
   Incorporates expenses associated with park use, camping and vehicle permit issue fee for reserve entry.

   The fees currently imposed range from $2.50 - $65 depending on the Park location, age of person entering the park and length of stay in the Park.

2. Visitor Management – Use of educational services
   
   Expenses associated with providing educational services

   The fees currently imposed range from $75-$200 per group depending on the location utilised, the time of use and the provider of the education services.

3. Visitor Management Parking
   
   Expenses associated with regulating vehicle parking

   The fees currently imposed range from $2.5 - $10 depending on how long a vehicle is parked.

   (x) Bureau of Meteorology
   
   Climate, Water, and Weather services and products; Participates in collaborative research projects; and

   Specific cost recovered services for areas such as Aviation, Defence and some commercial services.

   In addition to appropriation funded public information services, the Bureau provides enhanced weather and climate information to meet residual public needs. The current fees for services are as set out below:

<table>
<thead>
<tr>
<th>Climate Data Service</th>
<th>Fee (Inc GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Request, Cat 1</td>
<td>94</td>
</tr>
<tr>
<td>Basic Request, Cat 2</td>
<td>147</td>
</tr>
<tr>
<td>Urgency Fee</td>
<td>160</td>
</tr>
<tr>
<td>Certified Extract, Cat 1</td>
<td>312</td>
</tr>
<tr>
<td>Certified Extract, Cat 2</td>
<td>392</td>
</tr>
<tr>
<td>Setup First Subscription, Cat 1</td>
<td>481</td>
</tr>
<tr>
<td>Setup First Subscription, Cat 2</td>
<td>561</td>
</tr>
<tr>
<td>Setup Each Added Subs, Cat 1</td>
<td>401</td>
</tr>
<tr>
<td>Setup Each Added Subs, Cat 2</td>
<td>481</td>
</tr>
<tr>
<td>Renewal, First Subscription</td>
<td>401</td>
</tr>
<tr>
<td>Renewal, Each Added Subscription</td>
<td>321</td>
</tr>
<tr>
<td>Additional TCZ Batch Extraction</td>
<td>40</td>
</tr>
<tr>
<td>Registered User Service (Weather) Fee</td>
<td>(Inc GST)</td>
</tr>
<tr>
<td>Annual Registration Fees</td>
<td></td>
</tr>
<tr>
<td>PMSP User</td>
<td>9,905</td>
</tr>
<tr>
<td>Regular User</td>
<td>965</td>
</tr>
<tr>
<td>Annual Subscription Fees</td>
<td></td>
</tr>
<tr>
<td>Level 1 Product</td>
<td>135</td>
</tr>
<tr>
<td>Level 2 Product</td>
<td>270</td>
</tr>
<tr>
<td>Level 3 Product</td>
<td>830</td>
</tr>
<tr>
<td>Level 4 Product</td>
<td>1,655</td>
</tr>
<tr>
<td>Level 5 Product</td>
<td>3,185</td>
</tr>
<tr>
<td>Transaction Fees</td>
<td></td>
</tr>
<tr>
<td>New Client Setup</td>
<td>1,005</td>
</tr>
</tbody>
</table>
Climate Data Service
Fee (Inc GST)
Service Change 335

Notes:
Category 1 (Cat 1) relates to requests where the details are fully specified by the requestor.
Category 2 (Cat 2) relates to requests where additional assistance is required to specify the details required.

These charging rates are current as of 21 November 2012.

For annual subscriptions, services range from Level 1 for the delivery of public products on a managed delivery platform to Level 5 for the provision of complex and custom products. The fee at each level has been standardised to reflect the per product production effort required.

Otherwise the Bureau’s cost recovered services (non-commercial) are enhanced information services pursuant to the Australian Government Cost Recovery Guidelines. Fees for commercial services are competitively neutral and set in accordance with the Australian Government Competitive Neutrality Guidelines for Managers.

The Bureau’s cost recovered services are demand driven and optional for all users. A significant proportion of the total is services to the aviation industry.

(xi) Sydney Harbour Federation Trust

<table>
<thead>
<tr>
<th>Cost Recovery Activities</th>
<th>Activity Type</th>
<th>Fee Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tours</td>
<td>Audio Tours</td>
<td>$5 per audio player</td>
</tr>
<tr>
<td>Tours</td>
<td>Bushland, Barracks and Batteries</td>
<td>Adult - $12</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Child/concession - $8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Family - $30</td>
</tr>
<tr>
<td>Tours</td>
<td>North Fort</td>
<td>Adult - $7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Child/concession - $5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Family - $20</td>
</tr>
<tr>
<td>Tours</td>
<td>Tunnels, Tracks and Tales</td>
<td>Adult - $8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Child/concession - $5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Family - $20</td>
</tr>
<tr>
<td>Tours</td>
<td>Macquarie Lighthouse Tour</td>
<td>Adult - $5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Child/concession - $3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Family - $13</td>
</tr>
<tr>
<td>Cost Recovery Activities</td>
<td>Estimated Cost of Action</td>
<td>Fee Structure</td>
</tr>
<tr>
<td>Development Applications</td>
<td>Up to $5,000</td>
<td>$110</td>
</tr>
<tr>
<td>Development Applications</td>
<td>$5,001 - $50,000</td>
<td>$170, plus an additional $3 for each $1,000 (or part of $1,000) of the estimated cost.</td>
</tr>
<tr>
<td>Development Applications</td>
<td>$50,001 - $250,000</td>
<td>$352, plus an additional $3.64 for each $1,000 (or part of $1,000) by which the estimated cost exceeds $50,000</td>
</tr>
<tr>
<td>Development Applications</td>
<td>$250,001 - $500,000</td>
<td>$1,160, plus an additional $2.34 for each $1,000 (or part of $1,000) by which the estimated cost exceeds $250,000</td>
</tr>
<tr>
<td>Development Applications</td>
<td>$500,001 - $1,000,000</td>
<td>$1,745, plus an additional $1.64 for each $1,000 (or part of $1,000) by which the estimated cost exceeds $500,000</td>
</tr>
</tbody>
</table>
(c) Fee increases since August 2010:
   (i) Australian Bird and Bat Banding Scheme
      No fee increase
   (ii) Fuel Quality Standards Act 2000
      No fee increases
   (iii) Hazardous Waste Permits
      No fee increases
   (iv) Ozone Protection and Synthetic Greenhouse Gas Management Program
      No fee increases. Fees remained the same since 2005. New fee determinations are scheduled for January 2013, though these are yet to be confirmed.
   (v) Sea Dumping Permit Application Fees
      Old fees:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dredged or excavated</td>
<td>$5,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>material &lt;100,000 m³</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dredged or excavated</td>
<td>$16,500</td>
<td>$7,000</td>
</tr>
<tr>
<td>material &gt;100,000 m³</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Artificial reef</td>
<td>$5,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Burial at sea</td>
<td>$1,000</td>
<td>$675</td>
</tr>
<tr>
<td>Platform</td>
<td>$10,000</td>
<td>$2,700</td>
</tr>
<tr>
<td>Vessel</td>
<td>$10,000</td>
<td>$2,700</td>
</tr>
</tbody>
</table>

The fee for an application to vary a permit was $500 ($360 increase).
   (vi) Water Efficiency Labelling and Standards Scheme
      No fee increase
   (vii) Wildlife Trade Permits
      No fee increase
   (viii) Great Barrier Reef Marine Park Authority
      GBRMPA permit fees are increased annually in line with increases in the CPI. Recent increases include:
      01 January 2011 – 2.56%
      01 January 2012 – 3.26%
      (ix) Director of National Parks
      Fee increases since August 2010:
Visitor Management – Park Use Fee
At August 2010 the range of fees imposed was $2-$65.

Visitor Management – Use of educational services
At August 2010 the range of fees imposed was $50-$100.

Visitor Management Parking
At August 2010 the range of fees imposed was $1-$8.

(x) Bureau of Meteorology

Change between the current fees (2012/13) and those for August 2010 (2010/11) are set out below.

<table>
<thead>
<tr>
<th>Climate Data Service</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Request, Cat 1</td>
<td>61</td>
</tr>
<tr>
<td>Basic Request, Cat 2</td>
<td>89</td>
</tr>
<tr>
<td>Urgency Fee</td>
<td>48</td>
</tr>
<tr>
<td>Certified Extract, Cat 1</td>
<td>144</td>
</tr>
<tr>
<td>Certified Extract, Cat 2</td>
<td>New Fee</td>
</tr>
<tr>
<td>Setup First Subscription, Cat 1</td>
<td>New Fee</td>
</tr>
<tr>
<td>Setup First Subscription, Cat 2</td>
<td>279</td>
</tr>
<tr>
<td>Setup Each Added Subs, Cat 1</td>
<td>New Fee</td>
</tr>
<tr>
<td>Setup Each Added Subs, Cat 2</td>
<td>348</td>
</tr>
<tr>
<td>Renewal, First Subscription</td>
<td>301</td>
</tr>
<tr>
<td>Renewal, Each Added Subscription</td>
<td>221</td>
</tr>
<tr>
<td>Additional TCZ Batch Extraction</td>
<td>New Fee</td>
</tr>
<tr>
<td>Registered User Service (Weather), inc GST</td>
<td>Change</td>
</tr>
<tr>
<td>Annual Registration Fees</td>
<td>New Fee</td>
</tr>
<tr>
<td>PMSP User</td>
<td>New Fee</td>
</tr>
<tr>
<td>Regular User</td>
<td>New Fee</td>
</tr>
<tr>
<td>Annual Maintenance Fees</td>
<td>Removed</td>
</tr>
<tr>
<td>All Users</td>
<td></td>
</tr>
<tr>
<td>Annual Subscription Fees</td>
<td>New Fee</td>
</tr>
<tr>
<td>Level 1 Product</td>
<td>162</td>
</tr>
<tr>
<td>Level 2 Product</td>
<td>180</td>
</tr>
<tr>
<td>Level 3 Product</td>
<td>355</td>
</tr>
<tr>
<td>Level 4 Product</td>
<td>857</td>
</tr>
<tr>
<td>Level 5 Product</td>
<td></td>
</tr>
<tr>
<td>Transaction Fees</td>
<td></td>
</tr>
<tr>
<td>New Client Setup</td>
<td>247</td>
</tr>
<tr>
<td>Service Change</td>
<td>85</td>
</tr>
</tbody>
</table>

Notes:
The fee changes resulted from cost recovery reviews of the subject operations.
Climate Data Service fees for 2010/11 had remained unchanged since 2008. Data product definitions have since been updated with some previously paid services becoming public information and others combined into single subscriptions.
Registered User Service fees for 2010/11 had remained unchanged since 1997.
Other services are bespoke and fees are determined by applying the prevailing labour rates and item costs, where appropriate, to the resources required for the service.
### Financial Management and Accountability

(\textit{Question No. 2469})

\textbf{Senator Bushby} asked the Minister representing the Minister for Finance and Deregulation, upon notice, on 1 November 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

1. How many Australian Public Service full-time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

2. What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.

3. Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013-14 financial year.

4. For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.

5. Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.

6. Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost-recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

\textbf{Senator Wong}: The Minister for Finance and Deregulation has supplied the following answer to the honourable Senator's question:

1. and 2. Given the very broad nature of the question attempting to answer this question would cause an unreasonable diversion of resources.


5. A Regulatory Impact Statement (RIS) is mandatory for all decisions made by the Australian Government and its agencies that are likely to have a regulatory impact on business or the not-for-profit sector. Compliance information and RISs are published on the OBPR website [http://ris.finance.gov.au/](http://ris.finance.gov.au/)
(6) There are no cost recovery schemes within the Finance portfolio.

Financial Management and Accountability
(Question Nos 2470, 2479, 2486, 2487 and 2498)

Senator Bushby asked the Minister representing the Minister for School Education, Early Childhood and Youth, the Minister representing the Minister for Employment and Workplace Relations, the Minister representing the Minister for Early Childhood and Childcare, the Minister representing the Minister for Employment Participation and the Minister representing the Minister for Indigenous Employment and Economic Development, upon notice, on 1 November 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister’s portfolio:

(1) How many Australian Public Service full time equivalent staff are engaged by each department, agency and authority in relation to the:
   (a) creation;
   (b) administration or management; and
   (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

(2) What and how many:
   (a) compliance requirements;
   (b) industry guidelines;
   (c) best practice procedures;
   (d) codes of conduct; and
   (e) any other industrial manuals/documents, have been created since December 2007.

(3) Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013-14 financial year.

(4) For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years:
   (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and
   (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan:
      (i) if more, which pieces of regulation were passed in addition to the plan, and
      (ii) if fewer, which pieces of regulation were not passed and why were they not passed.

(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so:
   (a) what is the total:
      (i) direct, and
      (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and
   (b) how much regulatory cost has each department, agency and authority:
      (i) imposed, and
      (ii) removed, from the non-government sector since August 2010.
(6) Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so:
   (a) what are the cost recovery programs;
   (b) what fees are currently being imposed; and
   (c) in each case, by how much have these fees increased since August 2010.

Senator Kim Carr: The Minister for School Education, Early Childhood and Youth has provided the following answer to the honourable senator's question:
(1) and (2) Given the very broad nature of the question, attempting to answer this question would cause an unreasonable diversion of resources.
(3) (4) and (5) Annual Regulatory Plans are managed within the Finance and Deregulation portfolio. Please refer to the response provided by the Minister for Finance and Deregulation to question 2469.
(6) The following link details the current guidance on cost recovery:

Agriculture, Fisheries and Forestry
(Question No. 2471)

Senator Bushby asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 November 2012:
For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:
1. How many Australian Public Service full-time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.
2. What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.
3. Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013-14 financial year.
4. For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.
5. Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.
6. Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost-recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.
Senator Ludwig: The answer to the honourable senator's question is as follows:

Parts 1 and 2. Given the broad nature of the question, attempting to answer this question would cause an unreasonable diversion of resources.

Parts 3, 4 and 5. Annual Regulatory Plans are managed within the Department of Finance and Deregulation. Please refer to the response provided by the Minister of Finance and Deregulation to question 2469.

Part 6. Senator Ryan asked a similar question on 9 October 2012. Please refer to my response to QON 2347 that details the fees administered within the Agriculture, Fisheries & Forestry portfolio to the non-government sector.

Resources and Energy, and Tourism: Staffing
(Question Nos 2472 and 2473)

Senator Bushby asked the Minister for Resources and Energy and the Minister for Tourism, upon notice, on 1 November 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

(1) How many Australian Public Service full time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

(2) What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.

(3) Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013-14 financial year.

(4) For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.

(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.

(6) Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

Senator Chris Evans: The Minister for Resources and Energy and the Minister for Tourism has provided the following answer to the honourable senator's question:

(1) Given the very broad nature of the question attempting to answer this question would cause an unreasonable diversion of resources.

(2) Given the very broad nature of the question attempting to answer this question would cause an unreasonable diversion of resources.

(3) The Minister for Finance will provide a whole of government response.
(4) The Minister for Finance will provide a whole of government response.
(5) The Minister for Finance will provide a whole of government response.
(6) There are two cost recovery regulatory bodies in the Resources and Energy portfolio.

**NOPTA**

(a) NOPTA (the National Offshore Petroleum Titles Administrator) is a fully cost recovered administrator. Its operating budget comes from regulatory levies imposed on industry. The levy incomes collected by NOPTA are documented in the annual report of the Department of Resources, Energy and Tourism. The quanta of NOPTA's regulatory levies together with its budget costs will be subject to an annual cost effectiveness review with industry, including consultation.

(b) Levies are currently collected in relation to the Annual Title Administration Levy:
- Petroleum Exploration Permit
- Petroleum Exploration Permit
- Petroleum Retention Lease
- Petroleum Production Licence
- Infrastructure Licence
- Pipeline Licence
- Greenhouse Gas Assessment Permit
- Greenhouse Gas Injection Licence

Fees are currently charged for:
- Miscellaneous fees:
- Register inspection fee
- Document and certification fee
- Information fees
- Sample inspection fees
- Entry into/alteration of register

(c) Not applicable. NOPTA was established on 1 January 2012.

**NOPSEMA**

(a) NOPSEMA (the National Offshore Petroleum Safety and Environmental Management Agency) is a fully cost recovered regulator. Its operating budget comes from regulatory levies imposed on industry. The levy incomes collected by NOPSEMA are documented in its annual report. The quanta of NOPSEMA's regulatory levies together with its budget costs are the subject of an annual cost effectiveness review with industry, including consultation.

(b) Levies are currently collected in relation to:
- Facility safety cases
- Well operations management plans
- Applications to undertake well activities
- Environment plans
- Chargeable safety case and well investigations
- An annual well levy

Fees are currently charged for:
- The recovery of NOPSEMA expenses incurred on early engagement activities
Late payment penalties
(c) Since 2010, the levies have increased by:
Safety Case Safety management system (SMS) – Mobile Facilities: 13 per cent
Safety Case SMS – Non-Mobile facilities: 12 per cent
Safety Case Facility – Mobile and Non-Mobile: 12 per cent
Levis to have remained unaltered are:
Well operations management plan levies
Applications to undertake well activity levies
Environment plan levies
The annual well levy
Late payment penalties have remained the same
Chargeable safety case and well investigation levies have used the same threshold and basis of recovery of expenses incurred.
The recovery of NOPSEMA expenses incurred on early engagement activities uses the same basis as recovery of expenses incurred.

Financial Management and Accountability
(Question Nos 2477, 2481 and 2490)

Senator Bushby asked the Minister representing the Minister for Health, upon notice, on 1 November 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister’s portfolio:

(1) How many Australian Public Service full-time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.
(2) What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.
(3) Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013-14 financial year.
(4) For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.
(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.
(6) Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost-recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

Senator Ludwig: The Minister for Health has provided the following answer to the honourable senator's question:

(1) and (2)

Given the very broad nature of the question, attempting to answer this question would cause unreasonable diversion of resources.

(3) to (5)

Annual Regulatory Plans are managed within the Department of Finance and Deregulation. Please refer to the response provided by the Minister for Finance and Deregulation to question 2469.

(6) (a) to (c)

The Health and Ageing Portfolio cost recovery arrangements are as follows:

Medical Benefits Scheme and Pharmaceutical Benefits Scheme are at Attachment A.

National Industrial Chemicals Notification and Assessment Scheme is at Attachment B.

Therapeutic Goods Administration fees and charges increased by 3.4 per cent on 1 July 2011 and 5.6 per cent on 1 July 2012. Levied fees and a summary of charges is at Attachment C (available from the Senate Table Office).

**Attachment A**

<table>
<thead>
<tr>
<th>Cost Recovery Scheme</th>
<th>Fees Imposed</th>
<th>Increase in fees since August 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pharmaceutical Benefits Scheme</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Submission lodged for consideration by Pharmaceutical Benefits Advisory Committee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major Submission</td>
<td>$121,412</td>
<td>Fees are indexed in line with the Consumer Price Index (CPI) on 1 July of each year</td>
</tr>
<tr>
<td>Minor Submission</td>
<td>$12,700</td>
<td></td>
</tr>
<tr>
<td>Secretariat Listing</td>
<td>$1,016</td>
<td></td>
</tr>
<tr>
<td>New brand of an existing item</td>
<td>$508</td>
<td></td>
</tr>
<tr>
<td>Following the outcome of pricing negotiations and confirmation that the product will be listed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complex negotiations</td>
<td>$25,400</td>
<td></td>
</tr>
<tr>
<td>Simple negotiations</td>
<td>$6,096</td>
<td></td>
</tr>
<tr>
<td>Secretariat listing</td>
<td>$1,016</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cost Recovery Scheme</th>
<th>Fees Imposed</th>
<th>Fees since August 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Benefits Scheme</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration of the Prostheses List</td>
<td>Application Fee - $600</td>
<td>No increase</td>
</tr>
<tr>
<td></td>
<td>Initial Listing Fee - $200</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ongoing Listing Fee - $200</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Internal Review - $1,000</td>
<td></td>
</tr>
<tr>
<td>National Joint Replacement Registry Levy</td>
<td>$315.52 per device – Note that this is based on a formula calculated on 2 census days per year, the number of days and the number of devices.</td>
<td>August 2010 $309.84</td>
</tr>
<tr>
<td></td>
<td>February 2011 $305.46</td>
<td></td>
</tr>
<tr>
<td></td>
<td>August 2011 $322.34</td>
<td></td>
</tr>
<tr>
<td></td>
<td>February 2012 $316.81</td>
<td></td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

**Cost Recovery Scheme**

**Medical Benefits Scheme**

<table>
<thead>
<tr>
<th>Fees Imposed</th>
<th>Fees since August 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2.119m in 2012-13</td>
<td>August 2012 $315.52</td>
</tr>
<tr>
<td>Recovered from health insurers proportional to market share as specified in the Private Health Insurance (Complaints Levy) Rules 2007.</td>
<td>2010-11 $1.964m per annum</td>
</tr>
<tr>
<td>The Council Administration Levy imposes a cost of 70c per annum on single policies and $1.40 per annum for couples or family policies. Recovered from the private health insurance industry according to the number of policy holders. The Private Health Insurance (Council Administration Levy) Rules 2007 cap the fee at $2 per annum for holders of single private health insurance policies and $4 per annum for holders of couples or family policies.</td>
<td>2011-12 $1.964m per annum</td>
</tr>
<tr>
<td>2012-13 $2.119m</td>
<td>2010-2011 61c per single</td>
</tr>
<tr>
<td></td>
<td>2011-12 61c per single</td>
</tr>
<tr>
<td></td>
<td>2012-13 70c per single</td>
</tr>
</tbody>
</table>

### Attachment B

**National Industrial Chemicals Notification and Assessment Scheme**

<table>
<thead>
<tr>
<th>NICNAS Registration</th>
<th>Current Fee $ (Dec 2012)</th>
<th>Increase in $ since Aug 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registration - Tier 1</td>
<td>395</td>
<td>0</td>
</tr>
<tr>
<td>Registration - Tier 2</td>
<td>1,857</td>
<td>280</td>
</tr>
<tr>
<td>Registration - Tier 3</td>
<td>14,300</td>
<td>5,099</td>
</tr>
<tr>
<td>New Chemicals assessment fees Certificate Applications Standard Assessment</td>
<td>16,800</td>
<td>18</td>
</tr>
<tr>
<td>Limited Assessment</td>
<td>12,000</td>
<td>-2,057</td>
</tr>
<tr>
<td>Polymer of Low Concern</td>
<td>5,600</td>
<td>865</td>
</tr>
<tr>
<td>Application for Extension of Assessment Certificate Self-assessment Certificate Applications</td>
<td>5,100</td>
<td>2,087</td>
</tr>
<tr>
<td>Self-Assessment Application Non-hazardous chemical</td>
<td>10,400</td>
<td>331</td>
</tr>
<tr>
<td>Self-Assessment Application Non-hazardous polymer</td>
<td>9,700</td>
<td>1,267</td>
</tr>
<tr>
<td>Polymer of Low Concern (SAPLC) Self-Assessment Application Permit Applications</td>
<td>3,900</td>
<td>1,059</td>
</tr>
<tr>
<td>Commercial Evaluation (CEC) Permit Application</td>
<td>4,000</td>
<td>270</td>
</tr>
<tr>
<td>Low Volume Chemical (LVC) Permit Application</td>
<td>4,000</td>
<td>270</td>
</tr>
<tr>
<td>Controlled Use Permit Application (Export Only)</td>
<td>4,000</td>
<td>270</td>
</tr>
<tr>
<td>Controlled Use Permit Application (Other)</td>
<td>4,000</td>
<td>270</td>
</tr>
<tr>
<td>Application for Early Introduction Permit (EIP)</td>
<td>2,300</td>
<td>1,582</td>
</tr>
<tr>
<td>Section 30 Permit Application</td>
<td>8,500</td>
<td>366</td>
</tr>
<tr>
<td>Permit Renewal Applications Commercial Evaluation (CER) Renewal Application</td>
<td>2,000</td>
<td>1,263</td>
</tr>
<tr>
<td>Low Volume Chemical (LVCR) Permit Renewal Application</td>
<td>2,000</td>
<td>1,263</td>
</tr>
<tr>
<td>National Industrial Chemicals Notification and Assessment Scheme</td>
<td>Current Fee $ (Dec 2012)</td>
<td>Increase in $ since Aug 2010</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>--------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Controlled Use Permit Renewal Application</td>
<td>2,000</td>
<td>1,263</td>
</tr>
<tr>
<td>Other Applications</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary notifications of new chemicals, other than a synthetic PLC</td>
<td>9,600</td>
<td>306</td>
</tr>
<tr>
<td>Secondary notifications of a new chemical that is a synthetic PLC</td>
<td>4,200</td>
<td>182</td>
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<tr>
<td>Alternate State Law Application</td>
<td>10,400</td>
<td>360</td>
</tr>
<tr>
<td>Reduced Fee Options</td>
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<td></td>
</tr>
<tr>
<td>Foreign Scheme - STD</td>
<td>12,300</td>
<td>2,231</td>
</tr>
<tr>
<td>Foreign Scheme - LTD</td>
<td>9,000</td>
<td>567</td>
</tr>
<tr>
<td>Foreign Scheme - PLC</td>
<td>3,500</td>
<td>659</td>
</tr>
<tr>
<td>Modular - STD</td>
<td>13,400</td>
<td>In 2010, these</td>
</tr>
<tr>
<td>Modular - LTD</td>
<td>9,600</td>
<td>categories were</td>
</tr>
<tr>
<td>Modular - PLC</td>
<td>4,500</td>
<td>subject to rebates</td>
</tr>
<tr>
<td>Prior assessment NICNAS - STD</td>
<td>10,100</td>
<td>of up to 80% of</td>
</tr>
<tr>
<td>Prior assessment NICNAS - LTD</td>
<td>7,200</td>
<td>the applicable</td>
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<tr>
<td>Prior assessment NICNAS - PLC</td>
<td>3,400</td>
<td>fee (STD, LTD)</td>
</tr>
<tr>
<td>Modular - Secondary Chemical (STD)</td>
<td>4,000</td>
<td>or PLC). Rebates</td>
</tr>
<tr>
<td>Modular - Secondary Chemical (LTD)</td>
<td>2,500</td>
<td>were calculated</td>
</tr>
<tr>
<td>Modular - Secondary Chemical (PLC)</td>
<td>2,500</td>
<td>on a case by case basis.</td>
</tr>
<tr>
<td>New Chemicals Assessment Related</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variation of Schedule Data Requirements</td>
<td>2,600</td>
<td>1,273</td>
</tr>
<tr>
<td>Nomination of Foreign Scheme</td>
<td>7,100</td>
<td>202</td>
</tr>
<tr>
<td>Exempt Information</td>
<td>1,100</td>
<td>363</td>
</tr>
<tr>
<td>Application of Vary Assessment Report</td>
<td>4,100</td>
<td>3,363</td>
</tr>
<tr>
<td>Application to Vary Full Public Report</td>
<td>4,100</td>
<td>3,363</td>
</tr>
<tr>
<td>Confidential listing on national inventory</td>
<td></td>
<td></td>
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<tr>
<td>Confidential Listing of a New Industrial Chemical</td>
<td>3,500</td>
<td>2,025</td>
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<tr>
<td>Application to Retain Confidential Listing</td>
<td>3,500</td>
<td>1,512</td>
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<tr>
<td>Application for Early Non-confidential Listing with fee</td>
<td>750</td>
<td>13</td>
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<tr>
<td>Application to be a Holder of a Confidence</td>
<td>700</td>
<td>38</td>
</tr>
<tr>
<td>Transfer to Confidential listing</td>
<td>2,100</td>
<td>123</td>
</tr>
</tbody>
</table>

**Financial Management and Accountability**  
*(Question No. 2480)*

Senator Bushby asked the Minister representing the Minister for Social Inclusion, upon notice, on 2 November 2012:

For each department and agency under the *Financial Management and Accountability Act 1997* and each Commonwealth authority under the *Commonwealth Authorities and Companies Act 1997* within the Minister's portfolio:

1. How many Australian Public Service full time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

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**QUESTIONS ON NOTICE**
(2) What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.

(3) Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013-14 financial year.

(4) For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.

(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.

(6) Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

Senator Chris Evans: The Minister for Social Inclusion has provided the following answer to the honourable senator's question:

The Minister for Social Inclusion is in the Prime Minister and Cabinet Portfolio. Please refer to the Prime Minister's response to Senate Question Number 2454.

Human Services: Staffing
(Question No. 2485)

Senator Bushby asked the Minister for Human Services, upon notice, on 1 November 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

(1) How many Australian Public Service full time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

(2) What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.

(3) Was an Annual Regulatory Plan completed for each of the 2009 10, 2010 11, 2011 12, and 2012-13 financial years, and will a plan be completed for the 2013 14 financial year.

(4) For the 2009 10, 2010 11, 2011 12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.
(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.

(6) Does each department, agency and authority impose a cost-recovery scheme on the non government sector; if so: (a) what are the cost recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

Senator Kim Carr: The answer to the honourable senator's question is as follows:

(1) All Department of Human Services staff are employed to either administer or support those who administer Acts of Parliament and legislative instruments.

(2) Given the very broad nature of the question, attempting to answer this question would cause an unreasonable diversion of resources.

(3) Annual Regulatory Plans are managed within the Department of Finance and Deregulation. Please refer to the response provided by the Minister for Finance and Deregulation to question 2469.

(4) See the response to question three.

(5) See the response to question three.

(6) Not applicable.

Financial Management and Accountability
(Question No. 2491)

Senator Bushby asked the Minister representing the Minister for the Public Service and Integrity, upon notice, on 2 November 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

(1) How many Australian Public Service full time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

(2) What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.

(3) Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013-14 financial year.

(4) For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.

(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.
(6) Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

Senator Chris Evans: The Minister for the Public Service and Integrity has provided the following answer to the honourable senator's question:

The Minister for the Public Service and Integrity is in the Prime Minister and Cabinet Portfolio. Please refer to the Prime Minister's response to Senate Question Number 2454.

Financial Management and Accountability
(Question No. 2492)

Senator Bushby asked the Minister representing the Minister for Special Minister of State, upon notice, on 1 November 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister’s portfolio:

(1) How many Australian Public Service full-time equivalent staff are engaged by each department, agency and authority in relation to the: (a) creation; (b) administration or management; and (c) enforcement of new or existing Acts of Parliament, legislative instruments and quasi-regulation.

(2) What and how many: (a) compliance requirements; (b) industry guidelines; (c) best practice procedures; (d) codes of conduct; and (e) any other industrial manuals/documents, have been created since December 2007.

(3) Was an Annual Regulatory Plan completed for each of the 2009-10, 2010-11, 2011-12, and 2012-13 financial years, and will a plan be completed for the 2013-14 financial year.

(4) For the 2009-10, 2010-11, 2011-12, and 2012-13 financial years: (a) how many pieces of regulation, including Acts of Parliament, legislative instruments and quasi-regulation, were included in each Annual Regulatory Plan; and (b) were the same, more or fewer pieces of regulation passed as anticipated in each Annual Regulatory Plan: (i) if more, which pieces of regulation were passed in addition to the plan, and (i) if fewer, which pieces of regulation were not passed and why were they not passed.

(5) Does each department, agency and authority assess the total costs associated with its regulatory measures; if so: (a) what is the total: (i) direct, and (ii) indirect, regulatory cost burden that each department, agency and authority imposes on the non-government sector; and (b) how much regulatory cost has each department, agency and authority: (i) imposed, and (ii) removed, from the non-government sector since August 2010.

(6) Does each department, agency and authority impose a cost-recovery scheme on the non-government sector; if so: (a) what are the cost-recovery programs; (b) what fees are currently being imposed; and (c) in each case, by how much have these fees increased since August 2010.

Senator Wong: The Special Minister of State has supplied the following answer to the honourable Senator's question:

Please refer to the Minister for Finance and Deregulation's response to Question No. 2469.
Clean Energy Legislation
(Question No. 2502)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 2 November 2012:

(1) What are the costings for all measures linked to the Clean Energy package, on an underlying cash basis and a fiscal basis, over each of the forward estimates to 2015-16, including:

(a) Agriculture, Fisheries and Forestry:
- Creating opportunities on the land - Extending the benefits of the carbon farming initiative
- Creating opportunities on the land - Extending the benefits of the carbon farming initiative – Implementation;

(b) Climate Change and Energy Efficiency:
- Supporting energy markets - Energy security fund
- Creating opportunities on the land - Extending the benefits of the carbon farming initiative
- Creating opportunities on the land - Carbon farming initiative (CFI non-Kyoto carbon fund plus carbon farming skills initiative)
- Creating opportunities on the land - Carbon farming initiative (linking the CFI with the carbon tax)
- Governance - Clean Energy Regulator
- Supporting jobs - Jobs and competitiveness program
- Governance - Climate change authority
- Creating opportunities on the land - Natural resource management for climate change
- Improving energy efficiency
- Improving energy efficiency - Household advice
- Improving energy efficiency - Low carbon communities
- Putting a price on pollution - Voluntary action pledge fund and Green power purchases
- Supporting jobs - Energy efficiency information grants;

(c) Education, Employment and Workplace Relations:
- Helping households - Increased payments
- Supporting jobs - Clean energy skills package;

(d) Families, Housing, Community Services and Indigenous Affairs:
- Helping households - Increased payments
- Improving energy efficiency - Low carbon communities
- Renewable energy - Remote indigenous energy program
- Helping households - Essential Medical Equipment Payment;

(e) Finance and Deregulation:
- Governance - Clean Energy Regulator;

(f) Health and Ageing:
- Helping households - residential aged care;

(g) Human Services:
- Helping households - Increased payments;

QUESTIONS ON NOTICE
(h) Innovation, Industry, Science and Research:
- Supporting jobs - Steel transformation plan;
- Supporting jobs - Clean technology focus for supply chain programs;
- Supporting jobs - Clean technology program;

(i) Resources, Energy and Tourism:
- Improving energy efficiency
- Closure of emissions-intensive electricity generation capacity
- Improving energy efficiency - Energy efficiency opportunities program
- Innovation in renewable energy - Australian renewable energy agency
- Supporting jobs - Coal mining;

(j) Regional Australia, Regional Development and Local Government:
- Supporting jobs - Helping communities and regions;

(k) Sustainability, Environment, Water, Population and Communities:
- Creating opportunities on the land - Extending the benefits of the carbon farming initiative
- Creating opportunities on the land - Natural resource management for climate change
- Creating opportunities on the land - Biodiversity fund
- Putting a price on pollution - Synthetic greenhouse gases and ozone depleting substances (related expense)
- Compliance;

(l) Treasury:
- Helping households - Tax cuts
- Supporting jobs - Increase in the instant asset write-off threshold to $6,500
- Clean Energy Finance Corporation
- Supporting energy markets - Energy security fund
- Creating opportunities on the land - Extending the benefits of the carbon farming initiative (ATO)
- Improving energy efficiency (Australian Bureau of Statistics)
- Putting a price on pollution - Revenue from sale of carbon units (related expense)
- Supporting energy markets - Energy security council
- Governance - Productivity Commission reviews
- Impact of automatic CPI indexation of household assistance payments; and

(m) Veterans' Affairs:
- Helping households - Increased payments
- Helping households - Residential aged care
- Helping households - Essential Medical Equipment Payment.

(2) If any of the above matters are not being proceeded with, can a statement to that effect be provided?

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

Information on the fiscal impact of the Clean Energy Future package has been published in the following publicly available documents:
the Clean Energy Future Plan, released on 10 July 2011, which included detailed fiscal tables outlining the budget impact of the various elements of the Plan and is available on the Clean Energy Future website at http://www.cleanenergyfuture.gov.au/clean-energy-future/our-plan/;
• Part 3 and Appendix A of the 2011-12 Mid-Year Fiscal and Economic Update (MYEFO), which incorporated for the first time the impact of the Plan on the fiscal estimates; and
• Statement 5 and Budget Paper No. 2 of the 2012-13 Budget and Part 3 and Appendix A of the 2012-13 MYEFO which incorporate subsequent policy changes into the fiscal estimates.

Asylum Seekers
(Question No. 2507)

Senator Cash asked the Minister for Foreign Affairs, upon notice, on 02 November 2012:

(1) Have Sri Lankan authorities, including the Sri Lankan Navy, ever informed Australian officials of illegal boats arriving in or on their way to Australia; if so, can details be provided including but not limited to: the date, time, method and nature of communication, the agency/agencies notified and any action taken by the agency/agencies notified.

(2) Have Sri Lankan authorities ever expressed a view that a boat or boats, of which the authorities may have informed Australian officials, should be returned to Sri Lanka, or that the authorities would be willing to aid in the return of the boat/s; if so, can details be provided including but not limited to: the date, time, method and nature of communication, the agency/agencies notified and any action taken by the agency/agencies notified.

(3) Did the Minister, Minister's office or any agency instruct the Australian Customs and Border Protection Service to intercept any boat before it entered Australian waters; if so, can details be provided including but not limited to: the date, time, method and nature of communication, the agency/agencies notified and any action taken by the agency/agencies notified.

Senator Bob Carr: The answer to the honourable senator's question is as follows:

(1) Yes. Operational information is provided by the Sri Lankan authorities to the Australian authorities on a confidential basis.

(2) Yes. The Sri Lankan High Commissioner to Australia has publicly stated that boats should be turned around at sea and sent back to where they come from [The Australian, 16 July 2012].

(3) No.

Immigration and Citizenship: Staffing
(Question No. 2511)

Senator Cash asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 2 November 2012:

(1) What is the total expenditure on staffing for the department and for all portfolio agencies, and what is the Senior Executive Service (SES) and non-SES breakdown.

(2) What are the current staffing levels for SES and non-SES officers, including a breakdown by location?

(3) Since November 2007: (a) what changes have occurred in the average staffing level; (b) why have these changes occurred; and (c) what have been the budgetary implications.

(4) In regard to reductions in staff numbers: (a) how have reductions been absorbed by the department; and (b) what functions have been sacrificed and why.

(5) Has there been a target for staff reductions to achieve savings; if so, what is that target and what strategy is being implemented to achieve it.

QUESTIONS ON NOTICE
(6) Have any voluntary or involuntary redundancies been offered to staff; if so, how have staff been identified for such offers, and are there plans for such offers in the future.

Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) The Department of Immigration and Citizenship (DIAC) total expenditure on staffing for 2011-12 is $799.345 million (DIAC 2011-12 Annual Report p345), of which $28.069 million is for SES (DIAC 2011-12 Annual Report p388) and $771.276 million is for non-SES.

The Migration Review Tribunal and Refugee Review Tribunal (MRRT-RRT) total expenditure on staffing (including members) for 2011-12 is $41.657 million, of which $0.521 million is for SES and $23.306 million is for non-SES and Members.

<table>
<thead>
<tr>
<th>Location</th>
<th>Non-SES</th>
<th>SES</th>
<th>Secretary</th>
<th>Total</th>
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<tr>
<td>ACT</td>
<td>3140.27</td>
<td>91.87</td>
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<td>3234.14</td>
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<td>NSW</td>
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<td>6.00</td>
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<td>8.00</td>
<td></td>
<td>174.00</td>
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<tr>
<td>Grand Total</td>
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<td>114.87</td>
<td>2.00</td>
<td>7915.49</td>
</tr>
</tbody>
</table>

Notes: 1. Staffing shown as Full Time Equivalent (FTE).
2. Does not include Locally Engaged Employees.

(2) The current staffing levels at 31 October 2012, for SES and non-SES officers by locations are outlined in the table below:

(3) (a) The following table outlines the average staffing level of the department for the financial years 2007-08 – 2012-13. It also highlights the change in average staffing level from the prior financial year.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</thead>
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<tr>
<td>2007-08</td>
<td>2008-09</td>
<td>2009-10</td>
<td>2010-11</td>
<td>2011-12</td>
<td></td>
</tr>
<tr>
<td>Average Staffing Level (number)</td>
<td>7,207</td>
<td>7,780</td>
<td>7,232</td>
<td>7,794</td>
<td>8,565</td>
</tr>
<tr>
<td>Variance from Prior Year</td>
<td>573</td>
<td>(548)</td>
<td>562</td>
<td>771</td>
<td>150</td>
</tr>
</tbody>
</table>
Employee Benefit Expense | 547,075 | 617,384 | 584,319 | 679,528 | 799,345 | 794,364
Variance from Prior Year | 70,309 | (33,065) | 95,209 | 119,817 | (4981)

(4)
(5) (a) The department's challenge has been to rebalance its workforce numbers across all of its activities by continually prioritising and moving staff to areas of greater need, whilst also being cost-conscious in non-salary expenditure.

(b) The department has prioritised expenditure and generated savings in discretionary areas, such as contractor and consultant use, hospitality and entertainment, legal expenses, travel, media buy, recruitment advertising, printing, and more efficient training.

(6) The Department of Immigration and Citizenship currently has set no targets for staff reductions.

(7) Six staff were offered a voluntary redundancy (VR) from 1 July 2012 to end of October 2012. These staff have been identified for such offers consistent with the arrangements provided for under the department's Enterprise Agreement. Staff are excess to the organisation's requirements where:

- The number of employees at his or her classification is greater than is necessary for the efficient and economical working of the department, or
- The employee's service cannot be effectively used because of technological or other changes in the work methods of the department or changes in the nature, extent or organisation of the functions of the department, or
- The employee's duties have been transferred to a locality to which the employee is not willing to move and the Secretary determines that these provisions will apply to the employee.

There are currently no organisation-wide plans for such VR offers in the future.

**Immigration and Citizenship: Advertising and Marketing**

(Question No. 2514)

 Senator Cash asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 2 November 2012:

(1) How much has the department spent on advertising and marketing since November 2007.

(2) Can a complete list of current contracts be provided, indicating the rationale for each service provided and its intended use.

 Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) From the 1 July 2012 until 2 November 2012, the department has spent $34 332.13 GST inclusive on advertising.

The information on how much the department has spent on advertising and marketing from November 2007 until 30 June 2012 is publicly available on the department's annual report website at http://www.immi.gov.au/about/reports/annual/.

(2) The Department of Immigration and Citizenship currently does not have any advertising or marketing contracts. It is required to place its non-campaign advertising through the master media...
agency, Adcorp Australia Limited and campaign advertising through master placement agency, Universal McCann.