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

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FORTY-THIRD PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—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, Arthur Sinodinos and Ursula Mary Stephens

Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

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

Printed by authority of the Senate
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(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice H. Coonan, resigned 22.8.11), pursuant to section 15 of the Constitution.
(3) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice Hon. M. Arbib, resigned 5.3.12), pursuant to section 15 of the Constitution.
(4) Chosen by the Parliament of Western Australia to fill a casual vacancy (vice J. Adams, died in office 31.3.12), pursuant to section 15 of the Constitution.
(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. B. Brown, resigned 15.6.12), pursuant to section 15 of the Constitution.
(6) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. N. Sherry, resigned 1.6.12), pursuant to section 15 of the Constitution.
(7) Chosen by the Parliament of South Australia to fill a casual vacancy (vice M. J. Fisher, resigned 15.8.12), pursuant to section 15 of the Constitution.

PARTY ABBREVIATIONS

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

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<tr>
<td><strong>Minister for Social Inclusion</strong></td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td><strong>Minister for the Public Service and Integrity</strong></td>
<td>The Hon Mark Butler MP</td>
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<td>The Hon Warren Snowdon MP</td>
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<td><strong>Cabinet Secretary</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
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<td>The Hon Sharon Bird MP</td>
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<td>Minister Assisting for Deregulation</td>
<td>The Hon David Bradbury MP</td>
</tr>
<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>The Hon Peter Garrett AM MP</td>
</tr>
<tr>
<td>Minister for Employment and Workplace Relations</td>
<td>The Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Minister for Early Childhood and Childcare</td>
<td>The Hon Kate Ellis MP</td>
</tr>
<tr>
<td>Minister for Employment Participation</td>
<td>The Hon Kate Ellis MP</td>
</tr>
<tr>
<td>Minister for Indigenous Employment and Economic Development</td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for School Education and Workplace Relations</td>
<td>Senator the Hon Jacinta Collins</td>
</tr>
<tr>
<td>(Manager of Government Business in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Minister for Agriculture, Fisheries and Forestry</td>
<td>The Hon Joe Ludwig</td>
</tr>
<tr>
<td>Parliamentary Secretary for Agriculture, Fisheries and Forestry</td>
<td>The Hon Sid Sidebottom MP</td>
</tr>
<tr>
<td>Minister for Resources and Energy</td>
<td>The Hon Martin Ferguson AM MP</td>
</tr>
<tr>
<td>Minister for Tourism</td>
<td>The Hon Martin Ferguson AM MP</td>
</tr>
<tr>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>The Hon Greg Combet AM MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Climate Change and Energy Safety</td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Minister for Health</td>
<td>The Hon Tanya Plibersek MP</td>
</tr>
<tr>
<td>Minister for Mental Health and Ageing</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister for Indigenous Health</td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Health and Ageing</td>
<td>The Hon Catherine King MP</td>
</tr>
<tr>
<td>Minister for Human Services</td>
<td>Senator the Hon Kim Carr</td>
</tr>
<tr>
<td>Prime Minister</td>
<td>The Hon Julia Gillard MP</td>
</tr>
</tbody>
</table>

Each box represents a portfolio. Cabinet Ministers are shown in bold type. As a general rule, there is one department in each portfolio. However, there is a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
## SHADOW MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Leader of the Opposition</strong></td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Cory Bernardi</td>
</tr>
<tr>
<td><strong>Shadow Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Trade</strong></td>
<td></td>
</tr>
<tr>
<td>(Deputy Leader of the Opposition)</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for International Development Assistance</td>
<td>The Hon Teresa Gambaro MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Infrastructure and Transport</strong> (Leader of the Nationals)</td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Employment and Workplace Relations</strong> (Leader of the Opposition in the Senate)</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Shadow Minister for Employment Participation</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td><strong>Shadow Attorney-General</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Minister for the Arts</strong></td>
<td>Senator the Hon George Brandis SC</td>
</tr>
<tr>
<td>(Deputy Leader of the Opposition in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Shadow Attorney-General</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td><strong>Shadow Treasurer</strong></td>
<td>The Hon Joe Hockey MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Tax Reform</td>
<td>The Hon Tony Smith MP</td>
</tr>
<tr>
<td>(Deputy Chairman, Coalition Policy Development Committee)</td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Minister for Education, Apprenticeships and Training</strong> (Manager of Opposition Business in the House)</td>
<td>The Hon Christopher Pyne MP</td>
</tr>
<tr>
<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Universities and Research</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Youth and Sport</td>
<td></td>
</tr>
<tr>
<td>(Deputy Manager of Opposition Business in the House)</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Education</td>
<td>Senator Fiona Nash</td>
</tr>
<tr>
<td><strong>Shadow Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>(Deputy Leader of the Nationals)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Indigenous Development and Employment</td>
<td>Senator Marie Payne</td>
</tr>
<tr>
<td><strong>Shadow Minister for Regional Development, Local Government and Water</strong></td>
<td>Senator Barnaby Joyce</td>
</tr>
<tr>
<td>(Leader of the Nationals in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Regional Development</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Local Government</td>
<td>Senator the Hon Ian Macdonald</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Murray-Darling Basin</td>
<td>Mr Don Randall MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Finance, Deregulation and Debt Reduction</strong> (Chairman, Coalition Policy Development Committee)</td>
<td>Senator Simon Birmingham</td>
</tr>
<tr>
<td>Shadow Special Minister of State</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for COAG</td>
<td></td>
</tr>
<tr>
<td>(Chairman, Scrutiny of Government Waste Committee)</td>
<td>The Hon Andrew Robb AO</td>
</tr>
<tr>
<td><strong>Shadow Minister for Energy and Resources</strong></td>
<td>The Hon Ian Macfarlane MP</td>
</tr>
<tr>
<td>Shadow Minister for Tourism</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
</tbody>
</table>

vi
<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shadow Minister for Defence</td>
<td>Senator the Hon David Johnston</td>
</tr>
<tr>
<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
</tr>
<tr>
<td>Shadow Minister for Veterans' Affairs and Shadow Minister</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td>Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence Materiel</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Defence Force and Defence Support</td>
<td>Senator the Hon Ian Macdonald</td>
</tr>
<tr>
<td>Shadow Minister for Communications and Broadband</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Shadow Minister for Regional Communications</td>
<td>Mr Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Shadow Minister for Health and Ageing</td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td>Shadow Minister for Ageing</td>
<td>Senator Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Shadow Minister for Mental Health</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Primary Healthcare</td>
<td>Dr Andrew Southcott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health</td>
<td>Dr Andrew Laming MP</td>
</tr>
<tr>
<td>Shadow Minister for Families, Housing and Human Services</td>
<td>The Hon Kevin Andrews MP</td>
</tr>
<tr>
<td>Shadow Minister for Seniors</td>
<td>The Hon Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector</td>
<td>Senator Mitch Fifield</td>
</tr>
<tr>
<td>(Manager of Opposition Business in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Housing</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Supporting Families</td>
<td>Senator Cory Bernardi</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Status of Women</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Environment</td>
<td>Senator Simon Birmingham</td>
</tr>
<tr>
<td>Shadow Minister for Productivity and Population</td>
<td>Mr Scott Morrison MP</td>
</tr>
<tr>
<td>Shadow Minister for Immigration and Citizenship</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Citizenship and Settlement</td>
<td>The Hon Teresa Gambaro MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Immigration</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Minister for Innovation, Industry and Science</td>
<td>Mrs Sophie Mirabella MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Innovation, Industry, and Science</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Shadow Minister for Agriculture and Food Security</td>
<td>The Hon John Cobb MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Fisheries and Forestry</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Shadow Minister for Small Business, Competition Policy and Consumer Affairs</td>
<td>The Hon Bruce Billson MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Small Business and Fair Competition</td>
<td>Senator Scott Ryan</td>
</tr>
</tbody>
</table>
**CONTENTS**

**TUESDAY, 18 SEPTEMBER 2012**

**Chamber**

**BILLS**—

- Environment Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Bill 2012—
  - Second Reading................................................................. 7135

**QUESTIONS WITHOUT NOTICE**—

- Asylum Seekers............................................................... 7154
- Queensland Government.................................................... 7156
- Carbon Pricing .................................................................... 7158
- Hicks, Mr David................................................................. 7159
- Budget.................................................................................. 7161
- Iran ...................................................................................... 7162
- Employment......................................................................... 7164
- Science ................................................................................ 7166
- Employment......................................................................... 7167

**QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS**—

- Asylum Seekers............................................................... 7169
- Hicks, Mr David................................................................. 7175

**PETITIONS**—

- Syria .................................................................................... 7176
- Syria .................................................................................... 7177

**COMMITTEES**—

- Legal and Constitutional Affairs Legislation Committee—
  - Meeting ............................................................................ 7177
- Electricity Prices Committee—
  - Meeting ............................................................................ 7177
- Australian Commission for Law Enforcement Integrity Committee—
  - Meeting ............................................................................ 7177

**NOTICES**—

- Presentation ........................................................................ 7178
- Postponement ..................................................................... 7180

**COMMITTEES**—

- Education, Employment and Workplace Relations Legislation Committee—
  - Reporting Date .............................................................. 7181
- Legal and Constitutional Affairs References Committee—
  - Reporting Date .............................................................. 7181

**MOTIONS**—

- Protests .............................................................................. 7181
- India: Nuclear Nonproliferation........................................... 7182
- Environmental Conservation.............................................. 7183
- Hicks, Mr David................................................................. 7184

**MATTERS OF PUBLIC IMPORTANCE**—

- Privacy ................................................................................. 7184

**DOCUMENTS**—

- Chronic Disease Dental Scheme—
  - Tabling ............................................................................. 7199
CONTENTS—continued

COMMITTEES—
Public Works Committee—
  Report ......................................................................................................................... 7203
Corporations and Financial Services Committee—
  Corrigenda to Report ................................................................................................. 7203
DOCUMENTS—
  Tabling ....................................................................................................................... 7206
COMMITTEES—
  Electricity Prices Committee—
    Membership ............................................................................................................ 7206
BILLS—
  Privacy Amendment (Enhancing Privacy Protection) Bill 2012—
    First Reading ........................................................................................................... 7206
    Second Reading....................................................................................................... 7206
  Environment Protection and Biodiversity Conservation Amendment (Independent Expert
    Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill
    2012—
    Consideration of House of Representatives Message ............................................. 7209
  Consumer Credit Legislation Amendment (Enhancements) Bill 2012—
    Assent ....................................................................................................................... 7209
  Environment Protection and Biodiversity Conservation Amendment (Declared Commercial
    Fishing Activities) Bill 2012—
    In Committee .......................................................................................................... 7209
  Marriage Amendment Bill (No. 2) 2012 .................................................................. 7220
ADJOURNMENT—
  Learn Earn Legend! Program ................................................................................... 7252
  Football Netball Clubs .............................................................................................. 7254
  Oxfam ......................................................................................................................... 7256
  Gov2.0 ....................................................................................................................... 7257
  Medical Workforce ................................................................................................... 7259
  East Timor .................................................................................................................. 7261
  Tenant Advice and Advocacy Service ....................................................................... 7263
  Foodbank Western Australia ..................................................................................... 7266
  Global Economy ....................................................................................................... 7268
  Member for Dobell .................................................................................................... 7271
DOCUMENTS—
  Tabling ....................................................................................................................... 7274
  Tabling ....................................................................................................................... 7274
Indexed Lists of Departmental and Agency Files—
  Tabling ....................................................................................................................... 7274
Questions On Notice
  Captain Paul Watson—(Question No. 1999) ................................................................. 7275
  Australian National University—(Question No. 2015) ............................................... 7276
  Strategic Reform Program—(Question No. 2039) ...................................................... 7276
  Defence: Communications—(Question Nos 2063 to 2065) ...................................... 7277
  Defence: Hospitality—(Question Nos 2066 to 2068) ................................................. 7278
  Defence—(Question No. 2082) ................................................................................. 7281
CONTENTS—continued

Strategic Reform Program—(Question No. 2086) ........................................ 7281
Force Protection Review—(Question No. 2087) ........................................ 7282
Tourism—(Question No. 2091) ................................................................. 7283
Resources and Energy—(Question No. 2092) ...................................... 7285
Defence: iPads and Tablets—(Question No. 2100) .......................... 7286
Defence: iPhones and iPads—(Question No. 2102) ......................... 7287
Defence: Airline Club Memberships—(Question No. 2104) ........ 7287
Defence: Travel—(Question No. 2105) .................................................. 7287
Defence: Travel—(Question No. 2107) .................................................. 7288
Defence—(Question No. 2108) ............................................................... 7288
Agriculture, Fisheries and Forestry—(Question No. 2112) ............... 7288
Agriculture, Fisheries and Forestry: Staffing—(Question No. 2113) ... 7289
Agriculture, Fisheries and Forestry—(Question No. 2114) ............... 7290
The President (Senator the Hon. John Hogg) took the chair at 12:30, read prayers and made an acknowledgement of country.

**BILLS**

Environment Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Bill 2012

Second Reading

Debate resumed on the motion: That this bill be now read a second time.

[...]

Senator EDWARDS (South Australia) (12:31): I rise today to speak on the Environment Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Bill 2012 and I will talk largely about trust. What this government has done in bringing this bill to this chamber is: it has largely questioned trust. I must compliment my colleagues' contributions. Last night, I sat in the chamber and listened to my coalition colleagues who spoke about the various issues that mar this bill, and that is why we are here. What the government is proposing is a fisheries management largely dependent on who can get the biggest scare campaign running. Labor must tell us why it spent three years helping to plan, support and encourage this boat to come to Australia only to welsh on its assurances.

Why didn't this government make it clear from the onset that the boat was not welcome? There has been an internet campaign of several thousand people—I call it political terrorism by text and click. You go onto a couple of websites and click to spam your local member of parliament and all your senators with a generic grievance about something that you are misinformed about. I take you to my own experience. My 84-year-old mother rang me and said, 'I'm quite concerned about the fishing vessel that is proposed to come.' I said, 'What are your concerns, Mum?' She said, 'I'm concerned it's going to vacuum all of the fish out of the ocean,' or words to that effect. I said: 'Have you considered that government scientists have been involved in the process of this trawler coming here for a number of years—in the first instance, seven years, and more importantly for the last three years?' AFMA is an organisation which has been trusted by this government and previous governments. AFMA's expertise has not been brought into question at any other time as it is being now. What we have now is parliamentary interference in what is seemingly a sustainable operation.

I will also speak about the amendment proposed by my colleague Senator Colbeck, but I would like to sympathise with the operators of this vessel because of what they
must be going through. I revert back to my mother. She said, 'All these fish are going to disappear.' I said: 'No, these are pelagic fish. They are migratory fish that exist in Commonwealth waters, largely outside recreational fishing waters. They really do not interfere at all. Australia is seen as the second-most sustainable fisheries area in the world, and our fisheries are well managed.' She said, 'What about the issue of depletion?' 'No depletions; these fish are not targets for recreational fishers, for a start. Recreational fishers do not fish for these fish and these fish, until now with the trawler, were not known for their protein supply to the food chain. That is the defining difference.'

I told my mother that this boat would turn around the practice of fishing for these fish—remember, these are existing quotas—and the use of these fish from fishmeal fed to pigs to protein to be supplied at food grade to the millions of hungry people in north Africa. That was my first point. The other point is that she did not know that these were existing quotas. She thought these were extra quotas that this boat had been given, quotas in excess of what had already been allocated. They were not. The quotas of 12, 13 or 14 other boats which have been fishing for these fish uncommercially in these waters have been transferred to the new trawler. Those boats did not have the freezers on board or the space to store the fish, so they could not provide these fish at food grade and the fish went into stockfeed. This new vessel can turn these fish into food grade efficiently in these waters. I made this point to my mother and she said, 'That makes sense.' Also the quotas were brought together by Australian businesses and this boat was hired to do the job. This boat has regulatory approval by virtue of the fact that it had unprecedented security over unwanted catch—seals, dolphins and all of those things that none of us would like to see caught in any fishing venture.

All the practices, the observations and the independent observers were in place to ensure that this operation was going to happen in probably one of the most efficient ways. But no! What happened? We had what we now call—I am sure he is not a bad bloke but, clearly, he gets rolled in caucus and cabinet every time—our gymnast minister, Joe Ludwig, who after the live cattle ban has obviously now faced deja vu, groundhog day, or whatever you would like to call it and is back defending this decision which he obviously did not want to make.

As an example of what happened with that live cattle ban, welfare was distributed to those people in need in the Northern Territory. They did not need welfare—they just wanted their businesses kept intact. The Department of Human Services were asked to deliver welfare to the people of Northern Australia after the live cattle ban, and in one case they delivered $68,000 worth of welfare. The cost of delivering that aid—the charge that the Department of Human Services made to the Department of Agriculture, Fisheries and Forestry—was $1.22 million to deliver aid of $68,000. When I questioned him on this at the time, the minister said, 'Would you rather we didn't deliver the aid?' Yes, I would rather you did not deliver aid because it cost $1.22 million to deliver $68,000 to people who really did not want it.

We want to talk about trust. We want to talk about the reasons people invest in Australia and in Australian assets. If you want to take the foreign investment debate further—the locals, domestic investors, bankers—what do bankers think about fishing now? If you have a fishing licence is it as bankable as it was two weeks ago? Ask a Northern Territory cattleman what
happened to the price of his cattle station when they banned live cattle exports and Indonesia reduced its quota. Ask the bankers what their LVR—their loan to value ratios—are now. How many people in the Northern Territory have breached their loan covenants and are under financial pressure? What about the fishing industry? Overlay that onto the insecurity the fishers now have when they go to their bankers and say: 'I would like to do this. I would like to have another boat. I would like to buy an extra fishing quota.' What is the value of a fishing quota? Ask Minister Burke, because he does not think there is any value.

Whatever you would like to think about the Margiris, or the Abel Tasman, as it is now called, it is a flip-flop business environment in which the people of Australia work, and there is nothing worse than insecurity in a business environment. It undermines your banking, all your financial prospects and all of your business planning. The first thing you learn at business school is that you have to have a plan. But you cannot plan for instability or jelly-backed politics driven by a left-wing campaign, a Greens campaign, with conservation councils hiding under everything that is good. We are effectively starving people of the northern African nations through not supplying what is sustainable.

Finally, I turn to the amendments proposed by Senator Colbeck. I ask that this chamber support them. Minister Burke, as the reason for his decision to reverse the policy that he introduced as Minister for Agriculture, Fisheries and Forestry in 2009, stated: … there are considerable economies of scale in the fishery and the most efficient way to fish may include large scale factory freezer vessels.

That is point No. 1. You people in the gallery should note this is the same minister that overturned this fishing rights bill. Why did he reverse that decision? Where is the science to support the reversal of that decision? We do not get it.

Secondly, he effectively invited the Margiris into Australia by promoting large-scale factory freezer vessels. The minister promoted it and now he has overturned it. See what actions he will take to compensate the 50 Australian workers who are losing their jobs as a consequence of this legislation. These are people that the director of this business, Mr Geen, has said were largely unemployed people who were given jobs. Fifty people were given jobs and now face an uncertain future.

I ask everybody in Australia to consider what this government is doing about business security and the ability to do business in this country securely without fringe groups coming in and rocking the boat. I have had several thousand emails, like everybody else, from all of these groups. This is single-click terrorism on websites; they can just spam all the parliamentarians with generic 'don't do this' mail. Inform yourselves of the facts and get the policy behind it before you click, before you believe everything that you read in the newspaper. All of you out there listening to this know there have been newspaper reports you have seen where you have thought: 'That's not true. I know about that; it's not true.' Do not believe everything you read. Be informed. Get involved in the debate. Have a sensible discussion. Email me if you want; I have no problem defending good, sound business policy. I am told by scientists in this country that this is a sustainable resource and it will feed people in need.

am very concerned about the sovereign risk implications for Australia of the conditions put on this matter by the government. This vessel is registered in the Netherlands and I understand that the Dutch government has demanded an explanation from the Australian government of the basis for Australia's action in putting these unreasonable terms and conditions on the operation of the vessel, after it had been understood, no more than two weeks ago, that there were no problems at all and that this vessel could proceed in carrying out its fishing.

So there has been a radical change in the government's position. This ALP government has a pattern of undermining Australia's sovereign risk. Just look at the record of events over the last couple of years. Firstly, there was the ban on live cattle exports, done without notice to the industry or to the Indonesian government. It was a huge blow to Australia's reputation for reliable business dealings, affecting our sovereign risk and our status as a safe country in which to invest. Similarly, the minerals resource rent tax has adversely affected Australia's business reputation around the world and has increased the perception in the business community of Australia's sovereign risk—in other words, there is a view that Australia is not really a safe place in which to invest anymore.

The Senate is considering this case in which a company which owns a fishing boat had been negotiating with the Australian government for some years to get approval for their project. Approval was given for them to proceed and on that basis an investment was made to build the boat and equip it to operate in Australian waters. On the eve of starting their proposed plan of fishing—on the eve of their investment beginning to pay and earn an income—the minister decided that the venture would not be approved and the ship was told that it had to comply with a different set of conditions. The rules were changed and a series of conditions were put in place which undermined the business case for this venture.

Not unexpectedly, the Dutch government, under whose flag this ship is registered, was angry. They believe that the company has been treated in a high-handed way and have demanded answers and explanations from the Australian government on behalf of the ship's owners. Is that a surprise? Not to me. Does it remind us of the angry reaction when the government suddenly cancelled the live cattle trade to Indonesia? Yes, it certainly does. It is a similar scenario. In fact, this episode is almost an exact repeat of the high-handed manner in which the Indonesians were treated when the live cattle trade was banned without any notice whatsoever. The Australian live cattle trade was vitally important to their food chain in Indonesia as a source of protein and the Australian government, under Minister Ludwig, cut it off overnight. The same sort of action has been taken in terms of the operation of this fishing boat.

This bill and the government's decisions follow the same pattern as the disastrous chaos that the government created when it banned live cattle exports to Indonesia, which resulted in an industry being brought to its knees. Many pastoralists, across the north of Western Australia, in the Pilbara and the Kimberley, and the Northern Territory, suffered enormous financial hardship as a consequence of the actions of the minister at that time, Minister Ludwig—who consulted with nobody, did not ring the Indonesian ambassador and did not ring the Indonesian government in Jakarta; he simply cut off the trade as though the Indonesians did not matter and there was no need to consult with them.
In a repeat of the live cattle export debacle, during the briefing on Monday, 10 September, it became apparent that Tony Burke had not consulted with anyone with specialist knowledge of the fishery over his concerns regarding the operation of this vessel. There was no consultation with the Fisheries Research and Development Corporation or the Institute for Marine and Antarctic Studies, not even with specialist individual scientists; he just had discussions with his department. It seems that someone in the department thought it would be a clever idea to impose a lot of additional terms and conditions that the boat had to meet before it could go ahead with its planned fishing operation, which had been discussed for several years. Most importantly, the Dutch embassy was apparently not consulted. They were left in the dark and there were no calls to The Hague in the Netherlands to tell them what the Australian government was doing to this well-equipped boat which had been given conditional approval to operate off our coast. This is exactly what happened when the government shut down the live export trade without advice. As was the case then, the government's action was a knee-jerk reaction that had undesirable consequences.

This decision, like the decision to terminate the live cattle export, has undermined Australia's reputation as a reliable country with which to do business. The previously good reputation of Australia as a responsible, reasonable country with which to do business is very important for us to preserve. Unfortunately, this government, through a series of decisions, has seriously undermined Australia's sovereign risk. And you can add to that the unbelievable decision regarding the minerals resource rent tax. Because of this tax many countries are now looking for cheaper, more reliable countries in which to operate.

Everyone understands that the existing MRRT applied to iron ore is not going to raise the revenue which the government is seeking from this tax. This must mean, if one thinks it through, that the tax will be extended to other minerals, such as gold and nickel. The mining industry have already come to that conclusion and they are voting with their feet. A couple of weeks ago, a conference on mining investment in Africa called Africa Down Under was held in Perth. I am told that most of the new mining companies in West Africa have their offices in West Perth. That says much about the investment climate in Australia which exists post the introduction of the MRRT, and it is very much a judgement made on the level of sovereign risk which now exists in Australia. The mining companies would prefer to go elsewhere.

Should we be surprised by that? Well, of course, the answer is no, because investors in mining now see Australia as a country of high sovereign risk because the present Australian government has changed the conditions which were the basis of safe investment in this country. The present ALP government does not understand the international nature of the mining industry, which means that investment can be shifted from country to country very easily. Australia is suffering accordingly because there is a now a pattern of capricious variation of conditions which means that Australia is now regarded as having high sovereign risk. Why has this occurred? In all three cases—of this fishing boat, the live cattle trade with Indonesia and the MRRT—one can see the influence of the Greens. The government is, after all, a Greens-ALP alliance, and it is quite clear that the Green tail is wagging the dog of the ALP government.

This legislation is just another tool for the Greens and environmental groups to
campaign to restrict our fishing industry. Tony Burke's concerns were based on the capacity of the vessel to fish in one place for a considerable time. The solution to that problem could have been to amend the fisheries act to allow for a move-on provision or spatial arrangement management, which would have prevented localised impacts on fish stocks. The coalition would have supported those moves, but they did not occur. Tony Burke is saying, in effect, 'If you don't know—

The ACTING DEPUTY PRESIDENT (Senator Edwards): Order! I ask you to please refer to the correct title of the minister please.

Senator EGGLESTON: Minister Burke, if that is the correct title, is saying, 'If you don't know everything, do nothing.' Minister Burke was not trying, in my opinion, to find a way to make this venture work. He had been looking, I think, for some time—desperately looking, in fact—for some way to lock up more water to prevent fishing to please the Greens. In so doing, Minister Burke has trashed the reputation of the AFMA Commission, and it should be remembered that he appointed every member of that commission. He has also trashed the reputation of our world-leading scientific community and institutions who had done the science on fishing and who did feel that this boat could have been approved for the purposes for which approval was sought.

This government has demonstrated that, if you do everything asked of you by the Greens and then some extra, it will not be enough. They will cause you a great deal of pain and ensure that your business and employees have difficulty in carrying on their activities. How, one must ask, can a business operate in an environment such as that which now seems to prevail in Australia, where this government is very much acting at the behest of their partners in government, the Greens party? The government now operates on the basis that if a minister is uncertain then nothing should happen. Worse still, this minister did not take steps to find the answers to the things he was uncertain about. He just took the Greens' advice and shut the business down. So yet again, driven by the Greens, this government has taken a rushed decision which has undermined the sovereign risk status of Australia and put Australia's reputation as a destination for safe investment under a cloud of doubt.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (12:57): I rise to make some comments on the legislation before us, the Environment Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Bill 2012. It comes as no surprise that people across this country might think, 'Just when you thought the Labor government couldn't give us another appalling, on-the-run piece of legislation, here is another one.' It is another bungled policy. Just when the Australian people might have thought, 'Maybe there is a chance that there might not be any more; maybe there is a chance we have seen the last of the bungled policy from the Australian Labor Party, the Labor government,' here we have yet another one.

This set of circumstances, this cobbled-together policy from this government, is government by social media. That is no way to run a country. People in this nation expect the government to be responsible. They expect them to behave like grown-ups and not kindergarteners. They expect them to actually think things through properly, to think things through appropriately and to determine an appropriate outcome when it comes to policy. But what have we seen from the government here? It is just another policy on the run. Their ability to stuff things
up knows no bounds. Even if you do not agree with some of the policies of the Labor Party—and, I must say, I disagree with a very significant percentage of them—you expect that there is a process in place to actually implement policy.

I look at Labor governments of years gone by, and I must say that I did not agree with a lot of their policies either. But they were actually able to run the country.

We might not have liked the things that they were trying to implement and we might not have agreed with the policies they had in place, but at least they had an orderly process for the running of government. Previous Labor governments have had an orderly process of running government.

This current government has absolutely no ability to develop a policy properly, to see it through and to implement that in government. This is not just a scare tactic. This is not just me standing here saying that. The facts are there—because it has happened so consistently from this government. I am actually looking forward to the day when I can stand here and say, ‘What a well thought out, fabulous piece of policy from the Labor government. Admittedly, I do not necessarily agree with it, but they have thought things through and they have put things appropriately in place.’ But I suspect that I am going to be waiting for a very, very, very long time—although I do hope that the current government is not here for much longer. The government simply has no ability—none whatsoever—to put things in place appropriately.

But it is not surprising when you look at the nature of the government. This cobbled-together, Labor-Greens-Independent government—or whatever it is—is no way to run a country. We see the Greens, and good luck to them, constantly getting the government to do their bidding—although I have noticed a bit of a change of late, colleagues. There seems to be a bit of a shift away from the close, cosy relationship—

Senator Boswell: The Greens wanted this and they got it.

Senator NASH: I am coming to that, Senator Boswell. I was just pointing out that there has been a little bit of change. Certainly we have seen state Labor in New South Wales indicating that they would prefer the Greens not to be so high up on the ticket during election campaigns—but that is probably a nice way of putting it. But you are right, Senator Boswell—I will take that interjection. The Greens have absolutely got their way on this—not completely, but they certainly have got their way.

How is it that we have got to such a situation in this nation? I ask colleagues to cast their minds to the fact that we have 226 members and senators and the Greens have 10. With 10 members and senators out of 226 they are telling the Labor government what to do! That is not democracy. That is not democracy in any way, shape or form.

Senator Whish-Wilson: It is leadership.

Senator NASH: I do have to take the interjection from Senator Whish-Wilson, who said 'leadership'. I think it is probably unruly to laugh uproariously in the chamber at an interjection, but it is so completely ludicrous we have to get it on the record. As I said to the Greens, good luck to them that the Labor Party are letting them push them around. But it is no way to run a country. What happens when we have a government like this, when we have this sort of cobbled-together Labor government, is that we get bungled policy decisions on the run, we get inept policy development and we get the shambolic situation that we are seeing in front of us today with this piece of legislation regarding the FV Margiris.
I would say that there are many, many Australian people at the moment ruing casting their vote at the last election that gave us this shambolic government. This country deserves better. This country deserves much better. This country deserves a government that is actually going to consult with industry when it is developing policy. This country deserves a government that is actually going to care about rural and regional Australia. The people of this country absolutely deserve that. As a Nationals senator, I will, 150 per cent each and every day, make sure that, in government, rural and regional Australia is a priority. I know my good colleague sitting down at the other end of the chamber, Senator Scullion, and Senator Williams will be doing exactly the same thing. And I know that the same goes for my fabulous colleague here behind me, Senator Boswell—who, I note, early next year is coming up to his 30 years in parliament. And 30 fabulous years they have been in his service to this nation.

We have a government that simply does not care. It could not care less about rural and regional Australia. It is not talking to rural and regional Australia. It is not consulting. As we understand it, the minister barely consulted in the development of all of this—particularly the backflip, the change of view. The overreach in this legislation is extraordinary. Even if you agreed that the FV Margiris should not be able to go ahead at this point in time, you could never agree to this legislation. The overreach is so extensive you simply could not do it. What is really interesting is the nature and the size of the backflip. The size of the backflip is spectacular—with the same degree of difficulty as a 3.0 pike with a twist. It is extraordinary.

I was there at the beginning of all of this. I was actually on the panel of Q&A the night that Minister Burke was on that panel talking about the FV Margiris. I will share a little of that with the chamber, though I am sure many of you are already aware of it. The minister was very calm and very concerted in his commentary about having just approved the FV Margiris to go ahead—that it was all being ticked off and it was all going ahead. Tony Jones, in his excellent way, commented that the minister could not have the whole press conference right there that evening, that the press conference on the approval of the boat was going to have to wait for the next day. The minister, Tony Burke, said:

Okay. The advice that I received is this: first of all, under national environmental law I don't have the legal power to block it altogether. What I do have is the legal power to impose a number of restrictions on it based on the impact that it can have not on the fish that it is targeting but on the by-catch: the seals, the dolphins, the other fish that are protected and listed and I have a responsibility for. So what I've signed off on today—'

'today' being 3 September—is effectively the big vessel will have to fish with the rules so the impact it has on the environment is no more than if it was fishing like a small vessel.

Isn't that interesting, colleagues? This is one of the concerns for people out there in the community, and I appreciate that concern. Indeed, I had that concern myself—that we do not want localised impact and that we want to make sure that a boat of this nature is going to operate effectively. So I took quite some comfort from the words the minister used that night. It seemed that the proper conditions were going to be in place and that it was going to work appropriately. The minister went on to talk about all the other conditions he had put in place to make it appropriate for this vessel to be utilised by Seafish to use their quota to fish in Australian waters. But it did not last long, did it? What was it, 11September? It took all
of eight days for the spectacular backflip to happen.

How on earth can the Australian people have any trust in this government, when they say one thing one day and then, eight days later, three months later, two weeks later—as we have seen with other pieces of legislation—they simply change their mind and do the opposite thing? How can they possibly trust them? As a parent, if I were to say something to my children one day—No, Will; no, Henry, you cannot do that—and then turn around five days later and say—'Yes, you can do that', or the reverse—how would they ever know what was yes and what was no? How would they ever know that whatever came out of my mouth was not going to change the next week? It is the same principle. People have a right to expect this government to make decisions on proper facts and science and to stick to their decisions and not overturn them simply as a reaction to a social media campaign. That is no way for any government in this nation to make decisions.

The government has absolutely got form on this, and there is no clearer example than the government's stupid—that is the best word I can come up with, because it is the most appropriate word—decision to ban the live export of cattle out of the north. That was so stupid. Again, it was a knee-jerk reaction by the government to social media, to emails, to Twitter—rather than consulting and then thinking things through properly. That decision has done so much damage to the north of this nation. I was on the Senate committee that looked into that whole issue, and when we talked to the people that this affected it was very clear that the government had not. If they had, there is no way in the world they would have made that decision just to put the snap ban on, and there is no way in the world they would have left those people to hang out to dry. Probably nobody understands this better than Senator Scullion. Again we saw it: this knee-jerk, backflipping reaction.

The inability of this government to manage the nation is just extraordinary. The list of mismanagement goes on and on—as I know you that you know so well, Mr Acting Deputy President Edwards—and I think it is worthwhile pointing it out for the Senate. We have had Labor's failed border protection policies that have blown out the budget by about $5 billion. We had the home insulation program, the pink batts. What an absolute disaster that was. There was the computers in schools blow-out; the Green Loans and Green Start bungles, with the $175 million Green Loans Program mismanaged; the solar homes program, which was an $850 million blow-out; the talk fests, Fuelwatch and GroceryWatch. The mismanagement is never-ending, and I do not know how those on the other side can sit there and not be embarrassed by how bad a government they are. Senator Conroy's NBN is worthy in principle, to try to get faster broadband out to regional and remote communities, and nobody feels that more than those of us in the National Party and nobody has done more to focus on it than those of us in the coalition. But the mess we have now got with the NBN is extraordinary. And the mismanagement! When we see the government selling the pool tables that were here in Parliament House for $5,000 and then spending $102,000 trying to determine whether or not they got value for money, it is not surprising that people probably are not surprised to see this absolute bungle. They probably are not surprised that this whole issue of this fishing vessel is such a bungle, because Labor has such form on it.

There are obviously concerns around the localised impact and any bycatch. This has become a national debate, obviously, through the social media, but I would just ask that
people avail themselves of the facts before they make a decision. There is no doubt that this is a big boat; it is 140 metres long—so obviously people’s initial reaction would be, ‘It’s huge. We cannot possibly allow it.’ But I would say: look at the facts. The fact is that the net itself is not as big as some that are already being used. And I would ask people to think about the issue of making sure that it is appropriately fished. Senator Colbeck has put forward a very good amendment on spatial management to make sure that there is not a detrimental localised impact. If the minister had any judgement—

Senator Williams interjecting—

Senator NASH: I did think about that, Senator Williams—he would have picked up the suggestion from Senator Colbeck, which I understand has been discussed for some time now, that the fisheries act introduce amendments to take into account expanding the powers for the spatial management provisions. It makes absolute sense to do that. If the issues are around the bycatch, of course nobody wants any kind of marine life other than those fish that are being targeted to be caught. My understanding is that the practices that are in place to oversee that are very good. And the issue of localised impact certainly does seem to be able to be managed by this issue of the spatial management. I think that everyone needs to just have a very calm look at this. Again I would ask people to look at all the facts on both sides before they make a determination on whether or not they support this. This has gone through seven years of consultation. As I understand it, the FV Margiris and Seafish have done all the right things. AFMA have ticked off on it; the science underpins it. I would just ask people to look at all those things before they make a determination about whether or not they support it. Do not just listen to the hype. Do not just listen to what people think they know; listen to what people actually do know.

It is very interesting on another issue that the initial bill certainly gave the minister powers when it came to environmental, social and economic impacts. In the other place there has been an amendment to remove those. However, I understand that the Greens are moving an amendment to reinstate those social and economic impacts. While I certainly understand the Greens’ position and their right to have their view, I would simply ask the Greens to take exactly the same position on the Murray-Darling Basin Plan. Why is it that the social and economic impacts are so important for the Greens when it comes to fishing, when it comes to this FV Margiris—this particular ship or boat—that they must be enshrined in legislation, yet, when it comes to the Murray-Darling Basin Plan, when it comes to managing water through our system and all of the impacts that permanently removing water out of any of the rural and regional communities will have, the Greens do not have the exact same focus? When it comes to water, the Greens do not have the same focus on the social and economic impacts on regional people living in those communities as they do for a boat and its impact on fish. Now, if there has ever been a case of hypocrisy this is it.

So I would expect from now on that, if the Greens are going to be consistent in their view on social and economic impacts when it comes to primary industries, they will demand that this Labor government assesses equally the economic, social and environmental impacts from the Murray-Darling Basin Plan, because to date, colleagues, as you well know, the government has not addressed them with balance. Again, it has not consulted properly when it comes to how that plan will be implemented. But the breathtaking hypocrisy
of the Greens on this one is just outstanding; it is extraordinary. I will retract 'outstanding' and I will put 'extraordinary', because it is anything but outstanding.

We have a government that simply cannot properly deliver policy for this nation. We have a government that simply cannot have a proper process in terms of running the economy, in terms of running the nation and in terms of having the right and appropriate policies in place for the people of this nation. Australian people are getting heartily sick of the shambolic nature of this government. It is becoming clearer day by day that this Labor government has absolutely no ability in any way, shape or form to run this country properly.

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (13:17): I rise as others have this morning to make a contribution to the debate on the Environment Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Bill 2012. I have to say that it has been a very positive debate for me. Personally, I think it has been great to see so many people delving into the intestines of fisheries management. I think as a consequence of this debate everybody will be far more informed about the process of establishing sustainability. This will get us across the whole range of new acronyms that exist in almost every area of our endeavours.

But rather than going over what are quite clearly the failings of this government in their consideration of the science, their consideration of people's investments and their consideration of due process—everybody has already very, very successfully done that in this place—I would like to remind us of exactly what the investment is that we have made in science. I would also like to remind us that, despite all the darts that have been thrown at our scientists and our scientific institutions, most people around the world would say our scientists are second to very few. They are respected around the world.

Perhaps it would be useful to have a look at the science behind the research of the small pelagic fish stock. It is not as if we started this research yesterday or when the trawler arrived over the horizon. We actually started this research 76 years ago. That is right, 76 years ago we started having a close look at the small pelagic fishery. But, late in the day, the government have had a 'knee-jerk Tuesday'. On Monday it was one thing—they were absolutely behind it—but on Tuesday it was: 'Oh, that's all over. We're just going to have do a 180-degree turnaround.' Of course that has thrown into doubt and also certainly put a spotlight on the level of confidence that the government have in our scientific institutions and the good work that they produce.

I think this decision will really throw a spanner in the works of our research organisations. There will be plenty of meetings to look at where they go from here. It is without precedent that a government would throw up so much doubt about their own institution—an institution that we have taken for granted, along with the science it provides us, the efficacy under which that science and advice is provided and the history and the acknowledged quality of that advice internationally.

The science on the fisheries started back in 1936. CSIRO did aerial surveys of small pelagic to get a handle on the relative spatial impact of these fish and how many of them there were. In 1938 there was a big investigation into the pelagics off Victoria, Tasmania and New South Wales. This occurred up until the fifties, when there were pursing trials in New South Wales and Tasmania. Research has been undertaken all
the way up until to today. It was probably in 2002 when the small pelagic advisory council was formed and we rolled out management policies. There was a big cessation in the fishery, principally because of economics. There were very low prices for these fish. If you have a fluctuation like that in the market, clearly the fishery will cease. Because of this, we had an opportunity to roll out a management plan to formulate a process to ensure that everybody knew what was going on. As a consequence of the small pelagic advisory council being formed in 2002—that is a decade ago—we have had organisations like the Fisheries Research and Development Corporation, the Australian Fisheries Management Authority, Tasmanian Aquaculture and Fisheries Institute, SARDI, the Institute for Marine and Antarctic Studies—and the list goes on and on.

One should feel pretty confident: it is not as if it is one organisation. Let's face it: we have one individual making a decision or an assessment and the risk is higher than if two or three do it. It is the same with organisations. A large number of organisations—highly credible organisations—have assisted in making the decisions in terms of the total allowable catch and the issues associated with that.

We changed the way we did business some time ago. Instead of just deciding in Australia that we needed to work out how many sardines we could catch so that there would always be enough sardines in the future, we also decided that it was important to ascertain if any other species would be impacted by a decline in sardines: penguins, whales and all the other exotic and sexy megafauna that sneak around the oceans. We need to make sure that they have enough sardines. We have put in place a very sophisticated biomarine plan. I have to say: around the world, Australia is seen as visionary in this area—that we are not looking directly at one species; we are looking across the board at a whole range of species. We have set those standards and a management plan has been determined.

We have the Commonwealth Small Pelagic Fishery. There are a number of papers and they have been quoted variously over this period of time. I quote a line in terms of the quality of the science:

The latest and most comprehensive study and guidance comes from the Lenfest Forage Fish Task Force … supported by the Lenfest Ocean Program, a US conservation foundation, and brought together 13 eminent marine scientists including world experts in marine science … specialists in penguins, seabirds, marine mammals and marine conservation) and fisheries science.

That is not the task force that compiled this particular management plan but they oversaw it. They said there are three points:
- the fishing mortality is no more than half of the level that is usually considered to maximise the sustainable yield for an individual species;
- the average abundance of the forage fish is more than double the level usually considered to maximise the sustainable yield for an individual species, and
- fishing should be spread out so as to avoid localised depletions, especially in relation to any local ecological ‘hotspots’—seabird rookeries and the like. Those are the three principles. I have had the management plan and I can tell you that the plan adheres to these principles absolutely perfectly.

Two issues have been brought up about questioning the science and there have been a number of individuals around the place who seem to be able to, at a whim, dive in and question the science. I think the two issues are agreed to. One is localised depletion and the other is the way we go about assessing the biomass. In terms of the localised depletion, this is a fishery that
stretches from New South Wales to Western Australia. Currently, it is fished by trawlers with exactly the same size gear on the back—in fact, some of the trawlers use slightly larger gear than the gear that was to be used by the *Abel Tasman*—and they only work out of Triabunna. They go out of a port and they can only go 100 nautical miles out to sea and that is the area that they fish. They cannot fish anywhere else; they do not go anywhere else.

There are wet fish boats. That means that the vessel only keeps the fish wet. The fish is not frozen. The fish is kept on ice for a particular market and there is quite a low level of impact on the stock. It is not unmeasurable, but there are very low levels of take. If you put a vessel out that is not tied to a port, it can go right across the fishery and it uses the same nets that are on the back of the trawlers that can leave tonight and catch exactly the same fish out of Triabunna. Anyone who has some issues about local depletion just needs to think about what that provides from a common sense point of view. That means there will be no tying effort into one area of Tasmania. The effort will be spread out and exactly the same number of fish, in terms of the quota, will be caught—not more sustainability, but there is no question of affecting the biomass.

The other process that is important to note is how we go about finding out how many fish there are in a fishery. Generally, for sardines, anchovies and jack mackerel—some may not be familiar with those but we are all familiar with sardines, I suppose—you can imagine a big net of sardines coming up, you put a bucket into them, scoop them out and put them aside. You take 20 or 30 representative sardines, remove the juveniles and then cut each fish open. You look at how many eggs they have. You do what is called a daily egg production method. You cut them open and you know that that amount of spawn in a spawning time in a fishery is going to be, in a spatial dynamics model, equal to a certain amount of fish over a certain period of time. But, of course, to actually monitor the daily egg production method, you need someone at sea with a net, catching the fish. There is no question that the group of people I referred to earlier in international science say that the very best mechanism of knowing how many fish you can catch is by the daily production method.

I will be asking the government at some stage—so that is almost on notice—exactly what they are going to do about this new science. Does it mean that they are going to pay a boat to go out, not just out from Triabunna, to look at the spatial dynamics of the stock, all the way from Western Australia to New South Wales? The only way you are going to do that is by having a boat in the fishery that goes more than 100 kilometres out from the coast. It is now said: 'There is a question about this daily productivity method and there was some difficulty around that.' There is no doubt there was, because the last daily egg production method that was taken was in 2002. For those who are opposed to it, I can understand that is the case, but, again, you just cannot leave out the fine print. The scientists who were looking at this were saying, 'It is 2002'—and nobody could afford to actually publish it. Well, how long ago was 2002? It was a while ago, but this only related to much smaller areas of the fishery. They did their sampling over a very small area and said it would be negatively biased. In other words, it is at the most conservative end, to say, 'We've looked here, so that is the multiplier on the fish stocks, but we did not look anywhere else.'

As to our knowledge of the fish stocks, the scientists that sat around the room said, 'It might have been 2002 but we are taking into consideration the rest of the science we have from other species, and we have a very
high level of confidence that we would be able to take more than that particular indicator because we sample in a very small area.' This is not a notion. This is how we do business in terms of stock assessment, whether it is for kangaroos, flathead, wallabies or elephants. These are spatial dynamic models under which you have to take all these things into consideration.

Quite clearly, I think there are people around the world now who are quite frightened by this and who have said: 'This is the best fisheries management we've got. I put my hand on my heart.' So many people in this place have said, 'We've got the best fisheries management here,' but, suddenly, overnight it changed. It was amazing: go to bed on Monday night—I do not often agree with those opposite but they were belting on, saying: 'Look, we just need to leave it to the science. Don't get emotionally involved. Don't get driven by politics.' If you get driven by politics, particularly in the history of fisheries, those who are interested in doing a bit of research might go back to the orange roughy days. People are saying, 'Orange roughy: we blew that, didn't we? Orange roughy was the classic case of not listening to the science and listening to the politics and the emotion at the time. Again, we have to be very careful about how we treat the science.

Basically, the notion of size has been constantly remarked upon over a period of time, and it seems to be the vessel size. Of course, when the fishery sat down seven years ago they said: 'Look, one of the problems with the fishery is—.' It is okay because we have got a fishmeal factory, and those were the days when fishmeal was a really good commodity, and it is an important commodity now. That is how we stuff protein into animals like pigs. Pigs love fishmeal. We put it into their feed every day and we grow bacon. There is nothing wrong with that. It is fantastic. But what we are doing is taking a very high protein quality product and we are feeding it to pigs. All Australians would probably say, 'I'm not really sure if that is, at the end of the day, a sustainable or moral thing to do to a beautiful product like fish.' But if you have a wet boat and you can only go 100 miles away, that is the quality of the product. It is not fit for human consumption because it is wet, and by the time it comes back it is not suitable for those things. What you really need is a freezer on your boat. Because of the economics, for the high-protein low-value fish—low value because not a lot of Australians come down and demand redfish and jack mackerel—what we actually need to change this is a freezer boat. Just park a big freezer boat out there, and then the trawlers can unload to the freezer boat and the freezer boat can produce fish that is now fit for human consumption. Innovative Australians. Isn't that great? Instead of feeding it to pigs, we will feed it to people. I know what we will do: we will feed it into the Horn of Africa, where people are starving for protein. Double trouble; it is value adding. We actually have people who can now eat the fish that we are catching. The fishermen get a better deal and a better price and, surprise, surprise: they only use a fraction of the fuel. Those people on the other side, particularly in the Greens corner, are only interested in a carbon footprint. Of course the carbon footprint is smaller, because it is more efficient.

Someone said: 'You can have a boat out there, but how are we going to unload it in the high seas? That seems a bit dodgy.' They are probably right. I have spent a fair bit of time in dodgy circumstances at sea myself and it is not something to be highly recommended. So the innovative Australians looked around and found, with the support of government, a freezer trawler so that they
could catch and freeze the fish instead of having to unload at sea, using gear no bigger than any one of the trawlers uses there now.

There is, I think, a moral question. If we go back we see there is complete hypocrisy, because it is unpopular. It is unpopular because people do not know. As soon as the talkback radio starts—I really think that the Australian public had stopped listening by the time the debate started here, which was the great problem for all of us. The great challenge on the other side—and, again, I feel particularly sorry for my good mate Senator Ludwig, but only sorry in a sense. I have a great deal of respect for my friend. I know him well and he does believe in science. I know that he is not as lithe as he was, but there are probably only so many of these nimble backflips in you, mate. It is a pretty sorry occasion.

It is interesting that we have now had some people just jump out of the wilderness in the last few days, claiming to be particular experts in this field. I know there is a mathematician from Western Australia who we see at about this point in time and who is a regular offender. He is a mathematician. You know mathematicians: they know 100 ways to make love but just do not know any women. He has come out now and said: 'No. I'm a person who knows better than the Australian Fisheries Management Authority. I know better than CSIRO. I know better than SARDI. I know better than the Antarctic Institute and I've only been here three days.' Why? He said, 'Because the model you picked was not the most conservative model. It wasn't the most conservative model, so here's a spectrum.' The least conservative because we know a lot about the fishery; the most conservative because we know absolutely nothing about the fishery. So the NAARI model, the one they selected to run this, and all the science in world said to go and run this down the middle. We said, 'Why is it there?' It is because we have other indicators in the fishery, other management plans in the fishery, other indicators about biota, marine mammals and all sorts of other things that are indicators. So we in the scientific community—'we' being those on our side because we support good science—said: 'Okay, this is something that we have to support. This is something that we need. We just can't listen to people who jump into the issue at the last minute and say that this is the case and I know more than them.'

People in the media say, 'We've got to give them an even balance.' No worries. We have one bloke here, a mathematician, and the entire scientific community down the other side and they have said, 'Well, there's an even balance.' I do not think that is the case. Sadly, we are in a circumstance here where, as my old mate 'Whisho' from the Greens on the other side said, 'This is a matter of leadership.' Fair enough. The leadership is not about the Greens; it is about the government. There are tough decisions to make in parliamentary life, Minister, and I know you have had a few tough ones, but you cannot go back on decisions and say: 'We really didn't mean that.' We really think science is important. We really think that fisheries management is important. We really think that a statutory fishing right for fishermen in Tasmania and right across the Commonwealth fisheries in Australia is important.' They have banked that against their house. The banks take that, because nobody can interfere with it, because there is a process that keeps politicians right out of it, as they should. I am not sure what sort of Olympic backflip you are going to have to do on the other side to send the message to the Australian people more generally and those people in this country and others who wish to invest in our country that somehow we still appreciate good science and we
appreciate those institutions. Those on this side, Minister, want to make it absolutely clear: we support good science and the institutions that provide it.

Senator BOSWELL (Queensland) (13:37): I have learned a lot about the supertrawler and the Tasmanian small pelagic fishery sitting here listening to Senator Scullion, who was a master mariner and fishermen and has, I think, served as the world fishing president for a number of years. He certainly knows what he is talking about. I wish that he could have had more input into what has been happening, because that explanation was terrific.

Sometimes in this place truth becomes stranger than fiction. This is no more the case than what has happened with the supertrawler. The irony of this is that both Minister Burke and the fisheries minister, Joe Ludwig, have been out there defending the position of the supertrawler against the Greens. Mr Burke was even involved in the policy—he was then fisheries minister—when he introduced the Small Pelagic Fishery Harvest Strategy. He actually invited large trawlers to fish in Australian waters. He said that there were considerable economies of scale to be had in the fishery and the most efficient way to fish may include large-scale factory freezer vessels.

That strategy was accepted in 2009 and since 2009 Seafish Tasmania has been working with the Australian Fisheries Management Authority to form a management plan to fish in Australia waters. The negotiations have been going on for seven years. Seafish Tasmania has agreed with every process and complied with every condition put on it by the Australian Fisheries Management Authority. Seafish Tasmania was given a quota of 18,000 tonnes, which was approved in May. Sixty per cent of that quota is owned by Seafish Tasmania and 40 per cent was to be leased from the individual fishermen that had quota to spare. I do not know what happens to them. They don't get anything. The quota that Seafish Tasmania have is not going to be worth anything. It is just one of those unbelievable situations.

On Monday, 10 September I asked Senator Ludwig a question on the supertrawler and he was absolutely fulsome in his praise of Seafish Tasmania. He said that output controls such as total allowable catch, particularly in individual transferable quotas, are to be the preferred approach to fisheries management and that small pelagic fish species depletion, including localised depletion, was unlikely. He supported the AFMA as an independent authority for sustainable management and said that its decisions were made on the best available science. That was on Monday and he was being supported by the minister for the environment. But on Tuesday the whole scene had changed. The Australian Fisheries Management Authority had stated that there were considerable economies of scale in fisheries and the most efficient way to fish may include large-scale freezer vessels. The AFMA board was 100 per cent appointed by Tony Burke when he was fishing minister. They recently confirmed that there was no evidence that boats such as the Abel Tasman posed any great risk to the target species of the ecosystem. AFMA approved Seafish Tasmania's 18,000-tonne fishing catch quota following the research conducted by independent scientists, CSIRO. All that research and science was peer reviewed. There were about seven people involved in it. Then, all of a sudden, overnight—and it was overnight—both ministers came out and completely changed their views.

It is obvious what has happened. Through pictures and advertisements of the huge supertrawler, with dolphins and other by-
catch caught in the net, a very effective campaign was run that turned the Labor Party around and turned the minister around. An 18,000-tonne quota is an 18,000-tonne quota. It doesn't matter whether you catch it in a 12-foot rowing boat or 142-metre factory ship, the quota does not get extended no matter how big the boat is. As Senator Scullion said, even the nets on the supertrawler are smaller than some of the nets used on smaller boats.

I cannot for the life of me see where the damage is. Smaller boats go out from Tasmania and catch a product that could only be turned into an inferior product of fish meal. Once this supertrawler came out it had the ability to move on. It had the ability not to stay in one place and therefore would not cause depletion of local stocks. It could travel around; it could move on. It had very sophisticated dolphin exclusion gear. It had underwater cameras. It had everything that was sophisticated that would prevent by-catch. It was by far superior to going out and fishing in small boats; it was by far superior in producing a better product and processing that product into a superior fishmeal that could be sent out into the African nations which are protein starved. It had everything going for it.

This is the thing that I find difficult to understand with the Greens. Surely we have a responsibility to serve some of our less fortunate countries, and we were doing this. We were producing a protein product that had a market in protein starved countries. Based on every reason, on every circumstance, this should have been a goer. But, no. Firstly, we had the science right. Then we had the ministers right. Senator Ludwig was very happy in what he said in defeating the Greens' motion and in reply to a question from me. And then all of a sudden that is turned around by the pressure applied by the green groups of Greenpeace—

Senator Whish-Wilson: And the rec fishers.

Senator BOSWELL: And the rec fishers too, which brings me to the Friday of the bill going through. The bill went up, and all of a sudden there were complaints from the rec fishers. They wanted to be excluded, and so an amendment was moved to exclude them, which the coalition supported. And then the commercial fishermen said: 'Well, this bill as it stands could have an effect on our quota, on our licences. You can just about override anything and make our licences and our quotas totally devalued.' So there had to be another amendment go in there. In the end, the bill was amended to the extent that it only covers any new operation and it only covers one boat—that is, the Abel Tasman.

I find it very difficult to understand why Mr Burke and Senator Ludwig actually encouraged people to go out, find a partner and then come back and discuss it with the AFMA. The AFMA welcomed them and told them there would be no size restriction on their vessel and that the boat, if it became an Australian boat, if it was Australian flagged, would be treated as an Australian fishing boat. That is encouragement in the best possible way.

But then they found out that they were persona non grata. Mr Gerry Green, the owner of SeaFish Tasmania, told Senator Ludwig that they had reached an agreement with the Dutch trawler: the boat would hold a capacity of 4,500 tonnes and the crew would be mainly recruited from Tasmania. The boat would be based in Devonport. Fifty local jobs would be provided to the new boat. Jobs are gold in Tasmania. Tasmania has been at the cutting edge of losing jobs. Not only would there be jobs on the boat, there would also be more activity in the port,
which would require a lot of container movements, so there would be more jobs provided there.

All this has changed virtually overnight, despite the authority saying there are considerable economies of scale in fisheries and the most efficient way to fish includes large freezer vessels. The other point that has been raised is about the Abel Tasman. Senator Scullion, who knows fishing backwards, made this point: if a boat of 142 metres can go out more than 100 kilometres offshore and stay out overnight, stay out for weeks at a time, freeze the product and bring it back, then it is going to be more efficient to have one boat than a number of smaller boats harvesting the quota. Seafish Tasmania said it will adopt a ‘move on’ policy: it would not stay long in one place and it would spread catches throughout the fishery.

The Dutch have done everything in their power to play the game. They are not a neighbour like Indonesia, but they are still an important trading partner to us. We have insulted them. This is on top of the live cattle debate with our No. 1 neighbour. We have insulted them. This is on top of the live cattle debate with our No. 1 neighbour. The Indonesians are still furious that we cut off their protein supply in midstream. That was done to our most important neighbour. If you do that to your friends, what are you going to do to your enemies? But Tony Burke has done this before. I can recall the Wilderness Society's relentless pressure to stop the project on Cape York from proceeding. Six months later this multi-million dollar project continues to be stalled after the company was forced to complete an expanded environmental impact assessment including shipping movements. The Wilderness Society initially raised grave concerns for the local bare-rumped sheathetail bat and then moved on to a new species of freshwater crab. They could not do any good with that but they wrote to the minister and said there was going to be a greater number of boat movements through the Great Barrier Reef. In fact, there was not any great movement of boats through the Barrier Reef. The additional movements were boats loaded with bauxite going up to China and not going near the reef. But still the minister held sway and so that is another project that has closed down.

I am a bit like Senator Scullion. Sometimes I feel almost sorry for Senator Joe Ludwig. I think his heart is in the right place. He tries to defend the government's policies but he is always undermined by the environment department. All the time he plays second fiddle to the environment department. The question we have got to ask is: what damage does this do to Australia's trading partners? After this decision and the decision on the live-cattle industry, I believe people are going to think very seriously about ever going into partnership with Australia again. One thing Australia has always been is a country that can honour its commitments, a country that can say, 'We'll honour a handshake. We don't need a
contract. If we have promised to do that, we'll do it.' But, unfortunately, all the greens have to do is turn up with a well-funded campaign including the Australian Marine Conservation Society and the World Wildlife Fund, who have formed an alliance, and come out with misleading advertising which Tony Burke bends his knee to. The genuine science backdrop of providing new fisheries that would allow a product that would feed hungry protein-deprived Africa has just disappeared.

A number of other green groups joined the coalition of the greens and ran full-page ads saying that seals and dolphins would be caught in the trawler nets. The *Abel Tasman* folk have spent seven years trying to develop by-catch excluders and they have used underwater cameras and have taken every precaution possible to protect wildlife. If this were the case, why couldn't this be worked out within seven years? These negotiations have been underway for seven years but we had to wait until the boat was out here and the jobs had been allocated—and you could imagine the disappointment of people, having received a job, to be then told they were not wanted. In the end the minister did not listen to the AFMA and did not listen to the scientists but did listen to Greenpeace and the green groups that are dedicated to destroying jobs and to destroying industry. This is not the first time this has happened; this has happened before. We in Australia are getting such a reputation that people would not invest Confederate money in this country under this government.

On 13 September Tony Burke sends out a signal: 'I'm not happy with the opposition to the supertrawler by the green groups.' He had strengthened with his statement on 22 August and suggested there were issues with dolphins, sea lions and seabirds and he wanted to make sure that the fishing method used did not create problems for these species. Why did it have to happen in the last week? Why couldn't it have happened within seven years? But, no, just bend the knee every time the greens demand something and acquiesce to their needs! On 11 September the Commonwealth fisheries industry, in supporting the Australian Fisheries Management Authority and in trying to offset some of the misleading advertisements taken out by the environmental groups, tried to fight back and took out a half-page ad—

The President: Order! The question is that the amendment moved by Senator Colbeck be agreed to.

The Senate divided. [14:02]

(The President—Senator Hogg)

Ayes ................. 31
Noes ................. 37
Majority .......... 6

AYES

Abetz, E
Bernardi, C
Boyce, SK
Cash, MC
Cormann, M
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ruston, A
Scullion, NG
Williams, JR

Back, CJ
Bernardi, C
Boyce, SK
Cash, MC
Cormann, M
Dwyer, P
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ruston, A
Scullion, NG
Williams, JR

NOES

Bilyk, CL
Brown, CL (teller)
Carr, KJ
Conroy, SM
Di Natale, R
Feeney, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
Marshall, GM

Bishop, TM
Brown, CL
Carr, KJ
Conroy, SM
Di Natale, R
Feeney, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
Marshall, GM

Cameron, DN
Carr, KJ
Crossin, P
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
McEwen, A
Question negatived.

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

The Senate divided. [14:06]
(The President—Senator Hogg)

Ayes....................37
Noes....................31
Majority................6

AYES
Bilyk, CL
Brown, CL (teller)
Carr, KJ
Conroy, SM
Dj Natale, R
Feeley, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Sterle, G
Thorp, LE
Waters, LJ
Wong, P
Xenophon, N

NOES
Milne, C
Polley, H
Rhiannon, L
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS
Wright, PL

PAIRS
Birmingham, SJ
Singh, LM
Bushby, DC
Farrell, D
Johnston, D
Collins, JMA

Question agreed to.

Bill read a second time.

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Senator CASH (Western Australia)
(14:09): My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Lundy. I remind the minister that last night the number of people who have arrived on unauthorised boats under the Labor government clocked in at over 25,000. I also remind the minister that in the first month following the Howard government's announcement of the Pacific Solution there was an instantaneous reduction in the number of boat arrivals from 1,645 to 561. Given that it is now more than one month since the government announced the return to offshore processing on Nauru, and that in that time an unprecedented 2,300 asylum seekers have arrived on 40 boats, when will the government concede that its policies have failed?
Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:10): The government is taking action recommended by a panel of experts. The government has agreed in principle, as the opposition well knows, to implement all 22 recommendations of the expert panel report on asylum seekers. This is how responsible governments develop policy: by listening to the advice of experts. Those recommendations included regional processing in Nauru and PNG as soon as practical, and the government believes that the measures it is putting in place, as recommended by the expert panel, will be effective. The combination of an increased refugee intake from offshore and no advantage for those who arrive by boat removes the attractiveness of attempting the expensive and dangerous boat journey to Australia.

However, it is important for those opposite to be reminded that the expert panel does not recommend temporary protection visas, a measure that in the past saw 68 per cent of refugees permanently remaining in Australia. It also makes clear that tow-backs create a risk to the lives of Australian Defence Force personnel, and would only ever work with agreement with other countries—something Indonesia has said will not happen. We are faced with opposition for opposition's sake.

The government, in contrast, is attempting to take the politics out of this issue, putting in place the very important principle behind this policy, which is saving lives. Those opposite have made a different choice. They choose to insert the politics into this challenging policy question and the objective of saving the lives of people in quite desperate circumstances at sea, and I condemn them for that.

Senator CASH (Western Australia) (14:12): Mr President, I ask a supplementary question. I refer to the statement made by Minister Bowen on 23 August that Nauru will be capable of housing 500 asylum seekers by the end of September. Given that the former Howard government took just 19 days to get Nauru up and running following the introduction of the Pacific Solution, can the minister confirm that the 500 asylum seekers referred to by Minister Bowen will be housed at Nauru by the end of September?

Honourable senators interjecting—

The PRESIDENT: Order! This is not the time for debate.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:13): As the opposition well knows, our plans are well underway in Nauru. This has been canvassed several times through the course of various debates and conversations across this chamber, and we are on track for achieving the goals that the minister outlined.

The issue, though, is one of the failure of the opposition in the spirit of their support for the legislation, to continue to pick apart the principles that underpin what we are trying to achieve by placing people on Nauru. The issue at stake is that the Labor government is trying to take the politics out of this issue. We have listened to the expert advice and now we are putting in place the operations needed to successfully implement that.

Senator CASH (Western Australia) (14:14): Mr President, I ask a further supplementary question. I also refer the minister to comments made by Minister Bowen on 28 August, in relation to offshore processing, that:
By what date does the minister expect that Labor's offshore processing will have an effect?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:14): Again, I think that question just underlines the pathetic politics that are being played with this issue by the opposition. We are putting in place a solution as recommended by the expert panel and we will continue to do so. It is interesting to note—

Opposition senators interjecting—

The PRESIDENT: Order!

Senator LUNDY: It is interesting to note, as the opposition attempt to interject across the chamber, their failure to follow through with their support for the expert panel agreements.

Opposition senators interjecting—

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

Senator LUNDY: As to the 22 recommendations, all of which we have accepted both in principle and in practice, we are now in the process of implementing them. If the opposition cannot bear to see the government actually taking the higher moral ground here, putting the saving of lives before the petty politics that those opposite continue to play out on this, then that will continue to reflect poorly on them as an opposition on this challenging issue.

Queensland Government

Senator MOORE (Queensland) (14:16): My question is to the Minister representing the Minister for Employment and Workplace Relations, Senator Wong. What is the government doing to support Queenslanders who have lost their jobs following the decision of that state government to cut 14,000 public sector jobs?

Senator Abetz interjecting—

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:16): Unlike Senator Abetz, we do not think 14,000 job losses in Queensland is a laughing matter. I welcome the release today by Minister Shorten and Minister Ellis of a package that will provide help for Queensland workers sacked by the Newman government—the Premier who told Queenslanders that the public service had nothing to fear from him. Oh, how that changed so quickly! The government is rolling out immediate and targeted support in Queensland in the wake of the decision of the state LNP to axe 14,000 public sector jobs, contrary to what they told Queenslanders prior to the election. The package that was announced today by Ministers Shorten and Ellis is aimed at helping workers find new jobs and to minimise the flow-on impacts to non-government organisations that will no longer have access to state government funding to deliver services in Queensland.

This government is providing targeted additional assistance to those affected by the savage cuts in Queensland because we do not believe you should just abandon working people. Unlike those opposite, we have been focused on job creation. Since we came to government, over 800,000 jobs have been created in this country. The only people who are not happy about that are those opposite, who I hear are very quiet now. You only hear them when they want to talk down the Australian economy because they do not actually want to back the Australian economy, Australian jobs and Australian workers. The position is this: on this side we
support jobs; those on the other side support job cuts.

Senator MOORE (Queensland) (14:19): Mr President, I ask a supplementary question. Can the minister advise why it was necessary for the government to provide the assistance package announced today for Queensland workers and was there an alternative approach that the government could have taken?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:19): The reason the government had to act was due to the cuts made to jobs and to services by the Newman government. The alternative approach that was open to the Newman government was to make responsible savings and also perhaps to be upfront with Queenslanders about what their plans were prior to the election. We do know the sort of economic thinking that was behind Premier Newman's approach, and it is shared by those opposite. We know that Senator Joyce, for example, is on the record as saying he backs Premier Newman 100 per cent—backs the Premier 100 per cent as he sacks public servants in Queensland, contrary to what the Premier told people prior to the election. We also know this is the same approach that Mr Tony Abbott, should he ever win government, wants to take.

(Time expired)

Senator MOORE (Queensland) (14:21): Mr President, I ask a further supplementary question. What support, if any, has the minister seen for the government's announcement of immediate support for Queensland workers and how does this compare to support for the decision of the Queensland government to cut those 14,000 jobs?

Honourable senators interjecting—

The PRESIDENT: We are chewing up question time with quite wrong behaviour on both sides. You know interjections are disorderly. If you wish to debate, the time is after question time.

Honourable senators interjecting—

The PRESIDENT: If this is the way you wish to continue with question time, on both sides, we will just wait until there is silence.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:23): All we have seen from the other side, in the face of cuts to jobs, to nurses, to doctors, to firefighters, to roads, to transport, to palliative care and even to Vinnies, is cheerleading—cheerleading the Queensland government as they make these cuts. What do we hear from Senator Joyce, the great defender of working people?

Well, I back Campbell up 100 per cent. This the same Senator Joyce whom a senior Liberal was describing today as an 'economic illiterate'.

What else have we heard? We have heard Mr Hockey saying things such as, 'More strength to his arm,' when he is talking about Premier Newman. As Premier Newman said, Tony Abbott is:

... very understanding ... he and people like Joe Hockey have been incredibly supportive.

The PRESIDENT: Order! You need to refer to people in the other place by their correct titles.

Senator WONG: I am actually directly quoting, Mr President, but I am happy to say, 'Mr Abbott is very understanding,' and 'He and people like Mr Hockey have been incredibly supportive when it comes to job cuts.' (Time expired)
Carbon Pricing

Senator CORMANN (Western Australia) (14:24): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Ludwig. I refer the minister to his answer yesterday, when he erroneously asserted that the Gillard government was providing comparable protection to export businesses from the impact of its carbon tax as that provided to businesses in Europe under their ETS. Is the minister aware that the European Union has classified approximately 160 industry sectors as trade exposed and, through exclusions or the provision of free carbon permits, effectively exempted them from having to pay any carbon price, while the Australian government has identified just 45 activities as trade exposed and worthy of a share of free permits? Why are European coal producers, for example, fully protected from the impact of the European carbon price, while Australian coal producers are not? Why are the jobs in that sector and in more than 120 other industry sectors in Europe worthy of protection from the impact of the European carbon price while the jobs in Australia in the same sectors are not? (Time expired)

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:25): I thank Senator Cormann for his long question. Last month the government did secure—so I will grant him that—an agreement to link Australia's carbon price with the European Union emissions trading system, the ETS. What the opposition fails to recognise is that this is a positive step. In fact, if you look at the advantages that are there, linking Australia's emissions trading scheme to Europe is a significant achievement in support of international carbon markets. What the opposition were in favour of a few years ago—they are now not so much in favour of it—is how you take global action on reducing our emissions; in other words, global action on climate change.

Opposition senators interjecting—

Senator LUDWIG: I know you do not like those two words; they are an anathema to you, because you do not want to act. You do not agree with an emissions trading scheme. It is the best way to reduce our emissions and our carbon in the economy, and Australia, in taking that step, is taking a positive step, because from 1 July 2015 Australia's carbon price will reflect the carbon price paid by at least 30 other countries, including the UK, France and Germany. From 2015 we will transition to an internationally linked ETS where the global market sets the price on pollution. It is a positive benefit. Why? Because we will be able to then be part of 530 million people—a combined population who will be able to have the same carbon price within those 30-odd countries. This really does demonstrate, and the government is in— (Time expired)

Senator CORMANN (Western Australia) (14:28): Mr President, I ask a supplementary question. The minister clearly did not understand the question. Why, even after Labor's decision to link the carbon tax to the European scheme, are European manufacturers of watches, ships, pleasure craft, sporting goods, brooms, brushes, chemicals and fertilisers protected from the impact of their carbon price, while manufacturers of these same goods in Australia are not? Why are European manufacturers of work wear, outerwear and underwear deserving of free carbon permits under the European scheme, while their competitors in Australia are not, under Labor's carbon tax—the biggest carbon tax in the world?
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:28): I thank Senator Cormann for his question. I know he really does have an underlying support for the carbon price.

Senator Kim Carr: He means well!

Senator LUDWIG: He does mean well, Senator Carr! But the linking arrangements do not change the overall access Australian firms have to international units. Australian liable entities remain able to meet up to 50 per cent of their liabilities through international units. The EU ETS, being the longest-running emissions trading scheme, is highly credible and it has always been our policy to work towards linking with Europe and other developing emissions trading schemes globally.

It seems to me that those opposite do not want a linked carbon scheme. They do not want to ensure that firms can be internationally competitive and be able to access that. Fundamentally, any potential price differential—(Time expired)

Senator CORMANN (Western Australia) (14:29): Mr President, I ask a further supplementary question. Why does the Gillard Labor government think it is fair to force Australian businesses to pay five times as much carbon tax over the next three years as all of the businesses across 30 European countries combined? Does the Gillard government really not realise that this pushes up the cost of doing business in Australia by much more than in Europe and reduces our capacity to compete even with higher emitting businesses in Europe, let alone the US, Asia, Africa and South America?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:30): I thank Senator Cormann for his second supplementary question. Those opposite want to talk down the economy and they want to talk up the scare campaign around the impact of the carbon price during this fixed period. It is an arrogant position that they argue from, because the fixed price period will move into an emissions trading scheme—and those opposite know that. What will they do about it? They will ultimately support it. They will not change it; they will ensure that it remains. Senator Cormann will eventually eat the words that he speaks today about this.

If you look at the projections under the carbon price, you see that strong economic growth will continue, gross national income is projected to grow at 1.1 per cent per year to 2050, and income will grow. Real income per person is projected to increase by $9,000 per year from today's level by 2020. (Time expired)

Hicks, Mr David

Senator WRIGHT (South Australia) (14:31): My question is to Senator Ludwig, representing the Attorney-General. In July this year the Commonwealth Director of Public Prosecutions dropped the proceeds of crime case against David Hicks a week before it was due to go to trial and has indicated that this was because it would have been unable to satisfy the court that admissions made by Mr Hicks in Guantanamo Bay should be relied upon and that Mr Hicks had served evidence not previously available. Why is it that admissions made by David Hicks in Guantanamo Bay may not have been reliable and what new evidence has come to light?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:32): I thank Senator Wright for her continued
interest in this Mr Hicks. I am aware that the Commonwealth Director of Public Prosecutions has discontinued the literary proceeds action against Mr David Hicks. This decision was made independent of government and it would not be appropriate for me or, in this instance, the Attorney-General to provide any further comment on this decision. The CDPP’s independent decision to discontinue the action is of course a matter for the Commonwealth Director of Public Prosecutions. It is the case that the government has provided Mr Hicks with considerable assistance to support his welfare and reintegration into the community.

The difficulty is that the basis of the question asks for why the decision has been made. The Commonwealth Director of Public Prosecutions is an independent body. When they choose to discontinue matters they will generally provide a statement to that effect with supporting views, and anything further than that is a matter for the Commonwealth Director of Public Prosecutions to deal with. We do not independently comment on the Commonwealth Director of Public Prosecutions statements—they are theirs. I can ask if the Attorney-General would want to provide any additional comment with respect to the question that the senator has asked, but I think it might run aground on the basis that it was an independent decision that was made to discontinue those proceedings on 24 July 2012.

Senator WRIGHT (South Australia) (14:34): Mr President, I ask a supplementary question. There is a large and growing body of evidence from inmates, former prison guards and independent third parties that detainees in Guantanamo Bay experienced torture and cruel and degrading treatment. Is the government aware of this evidence? What knowledge does it have of acts of torture and cruel and degrading treatment that were allegedly committed against Australian citizens held in Guantanamo Bay?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:34): I thank Senator Wright for her continued interest. One of the difficulties with the question is that it is, as I understand it, framed in the way of an allegation. There are and have been a range of allegations around this particular matter. I am advised that the US authorities conducted in 2004 and 2005 two separate investigations into allegations of mistreatment. The first was conducted by the Office of the Secretary of Defense. It advised in August 2004 that an examination of medical records and other documents concerning the detention of Mr Hicks and Mr Habib revealed no evidence of mistreatment or abuse while in the US Department of Defense custody. The second investigation was conducted by the Naval Criminal Investigations Service in July 2005. US authorities advised that they had undertaken a separate and comprehensive investigation. (Time expired)

Senator WRIGHT (South Australia) (14:35): Mr President, I ask a further supplementary question. Very recent reports reveal that, while in US custody in Guantanamo Bay, David Hicks was forcibly administered drugs for nontherapeutic purposes—for example, mefloquine, an antimalarial medication, although it is known to cause psychotic side effects and brain damage. How long has the government known about this? Who knew about it and what steps is the government taking to obtain further information about this treatment of an Australian citizen?
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:36): I thank Senator Wright for her question. I think it did somewhat move from an allegation to an assertion of truth. I am aware of media reports of allegations that Mr Hicks was administered drugs against his will in Guantanamo Bay. US authorities conducted two separate inquiries into allegations of mistreatment in 2004 and 2005, as I outlined. Neither found any information to substantiate or corroborate allegations of mistreatment or abuse. I went to this issue a little earlier, but I think we should put this in perspective. This government provided Mr Hicks with considerable assistance during that period. So it would have been obviously—(Time expired)

Budget

Senator SMITH (Western Australia) (14:37): My question is to the Minister for Finance and Deregulation, Senator Wong. I refer the minister to the 2012-13 budget, which forecast that Australia's terms of trade would decline by 5¼ per cent this year and a further 3¼ per cent next year. I also refer to the recent decline in spot prices for iron ore, which have fallen by 20 per cent since the budget. Will the government now come clean and tell us what the commodity price assumptions for coal and iron ore were which they used in the May budget for 2012-13 and 2013-14, especially given that relevant state and territory governments of all political persuasions reveal this information in their budget papers as a matter of course? How much lower will government revenue now be as a result of significantly lower commodity prices?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:38): I will make a few points. The senator is correct, and I do congratulate him on being one of the few on that side who are actually aware that we did factor in a reduction in the terms of trade over the forecast period. That is because we did not make assumptions that the sorts of prices that Australia was getting for a number of its exports would be maintained at what might be called scarcity levels. We will consider these issues, as the senator knows, in the usual way in the mid-year review. It is the case, and the Treasurer has made this clear, that there is a decline in the terms of trade over the forward estimates. I would make this point, and I note that the minutes from the Reserve Bank today make a similar point: whilst prices might have come off historical highs, export volumes are still very significant and we are still seeing very significant investment in the resources sector in this country. I am not suggesting this, but I hope that the senator is not joining the 'doom and gloom' chant that that side of politics likes to engage in.

There is no doubt that you also have to look through the boom to what is beyond, and that is why the government is making investments in things like education and in skills in the university sector in a very constrained fiscal environment. Those investments are important, as is the NBN, in terms of the future productivity of the Australian economy. Obviously prosperity is something that you have to build in every period of government, and you cannot assume that the sorts of prices we were getting in 2011 will be the prices we will get to the end of the decade.

Senator SMITH (Western Australia) (14:40): Mr President, I ask a supplementary question. I refer the minister again to the 2012-13 budget, which forecast that Australia's export volumes would increase by 4½ per cent this year and next year. Data released today by the Bureau of Resources
and Energy Economics show that, on top of lower commodity prices, production volumes will also be lower than previously expected. What will be the impact on the budget bottom line of this dual decline in both commodity prices and predicted production volumes?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:41): I am not sure which piece of data the senator is referring to. If he is talking about the BREE Resources and Energy Economics Quarterly report, which was released earlier, the note I have suggests that overall resources and energy export volumes are expected to grow by a robust 9.3 per cent in 2012-13. In particular, volumes are expected to grow strongly for iron ore, LNG, coal and thermal coal. Whilst export values are expected to climb, for the reasons Senator Smith referenced in his first question, he might be referring to a different data set but the data set to which I have referred shows robust growth in terms of export volumes. This accords with what the government has been saying. If you think about the mining boom, there are obviously different phases of it and, whilst prices may come off their previous record highs, you would anticipate the investment that we have seen would lift export volumes for a significant period of time. (Time expired)

Senator SMITH (Western Australia) (14:42): Mr President, I ask a further supplementary question. When will the minister come clean with the Australian people and reveal how many billions in lost revenue will hit the budget bottom line over the forward estimates due to declining commodity prices and production volumes on top of the government's existing $120 billion black hole?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:42): As I have said a number of times in this place, those opposite refuse to comply with the Charter of Budget Honesty that Peter Costello—who they reckon is the world's greatest treasurer—put in place. If you want to talk to us about fiscal policy and the need to be up-front with the Australian people, we will comply. I can give that guarantee. We will comply with the Charter of Budget Honesty; we have made that clear. You have never complied with it. Your economic team have never complied with it. So if you want to come in here and give us a lecture about savings, I suggest you get your own house in order. Let me tell you: what Premier Newman has done is exactly the same as Isobel Redmond in South Australia has done, which was to say, 'Let's just sack a quarter of the public service'—the exact same thing as in Tony Abbott's play book. Your only approach is to hide your savings from the Australian people and then, were you to win government, you would say, 'Oh, by the way, we are now going to engage in mass sackings.' That is the Liberal and National Party play book. (Time expired)

Iran

Senator MARK BISHOP (Western Australia) (14:43): My question is to the Minister for Foreign Affairs, Senator Bob Carr. Can the minister provide an update on the Australian government's concerns over Iran's nuclear program?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:44): A nuclear armed Iran is unacceptable and would pose a major threat to regional and global security. The latest report of the International Atomic Energy Agency, dated 30 August, confirms Iran's continuing non-compliance with its obligations. The report highlights the possible military dimensions of Iran's nuclear program. It makes it clear that Iran has failed
to take necessary actions, including suspending its enrichment activities at Natanz and Fordow, suspending work on all heavy water related projects and allowing the IAEA to access the Parchin military facility, where Iran is suspected of having conducted experiments in an explosives containment vessel.

Iran's enrichment of uranium to 20 per cent at Fordow brings Iran closer to producing weapons grade nuclear material. Iran was the subject of yet another IAEA resolution at last week's meeting of the board of governors. Australia co-sponsored the resolution. It noted the IAEA Director General's conclusion:

Iran is not providing the necessary cooperation to enable us to provide credible assurance about the absence of undeclared nuclear material and activities.

The last round of talks between Iran and the P5+1 was held in Moscow in June, followed by lower level technical talks in Istanbul in July. They did not make any progress because of Iran's failure to engage constructively. No further round has been scheduled. The P5+1 is the US, the UK, France, Russia, China and Germany. We held a lot of faith in those talks and for a time there were encouraging signals. The best way, we continue to argue, is to resolve the Iranian nuclear issue— (Time expired)

Senator MARK BISHOP (Western Australia) (14:44): Mr President, I ask a supplementary question. Can the minister outline to the Senate Australia's sanctions policy towards Iran and what impact the sanctions are having?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:47): Australia condemns the hateful comments made by the Iranian regime against Israel and the Jewish people. We are gravely concerned by Iran's human rights record. According to Amnesty International, there were at least 360 executions in Iran—

Opposition senators interjecting—

Senator BOB CARR: I can't hear you. If you're going to interject you will have to do better than the warbling, indistinct commentary you provide. On 23 October 2011, the UN Special Rapporteur on Freedom of Religion or Belief described the treatment of the 300,000 Baha'is as among the most extreme manifestation of religious
intolerance and persecution in the world. Both in Australia and in Iran we have called for the protection and promotion of rights to freedom of assembly and expression, respect for gender equality, the repeal of the death penalty and the rights of ethnic and religious minorities to be upheld. Australia has expressed its concerns through statements—

(Time expired)

Employment

Senator IAN MACDONALD (Queensland) (14:48): My question is to the Minister representing the Minister for Employment Participation, Senator Wong. I ask the minister: does she recall her letter to Mr Marcus L'Estrange on 8 March 2007, where she argued that the official unemployment figures did not accurately reflect the real figures of unemployment and underemployment in Australia? I ask the minister: does she stand by her statement in that letter of the disconnect between ABS unemployment figures and the true state of the Australian labour market? Just to help the minister, two very simple and brief questions: does she recall her argument in that letter about the official unemployment figures, and does she stand by her statement about the disconnect between the ABS unemployment figures and the true state of the Australian labour market?

Senator Chris Evans: Mr President, I rise on a point of order. I think the senator is asking a question of Senator Wong about a letter she wrote not in her capacity representing the minister for employment. He sought to ask her a question in her capacity representing the minister for employment and then referred to a letter that I think he asserts Senator Wong wrote not in that capacity. Clearly that is out of order. He is not asking a question of Senator Wong in her capacity, as he pretended he did. Mr President, on that basis, it is not a question directed at her in her responsibility in representing the minister for employment and it ought to be ruled out of order.

The PRESIDENT: There is no point of order.

Senator Chris Evans: There is.

The PRESIDENT: Order! There is not. I have listened closely to the question. I believe the question is in order. The minister can answer that part of the question which does refer to her portfolio in the representational capacity that she has been asked. It is the minister representing the Minister for Employment Participation.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:51): Mr President, there is no aspect of that question within the representational portfolio.

Senator Brandis: Mr President, on a point of order.

The PRESIDENT: The question has been answered but I will take your point of order.

Senator Brandis: Mr President, the minister specifically said she would not answer the question. You directed her to do so. The question asked whether the minister stood by a statement concerning employment statistics, which she had made earlier, some years ago. You should direct her to the question: does she stand by that which she once said?

Senator Jacinta Collins: Mr President, I rise on a point of order. I understand that you are keen to progress dealing with this matter but it is important that it be understood very clearly before us the nature of the response, which has been completely misrepresented by Senator Brandis. Senator Wong clearly indicated that there was no aspect of that question that fits within her representation of the minister.
The PRESIDENT: Order on both sides! The minister did answer the question. I cannot instruct a minister how to answer the question. The minister did give an answer. I cannot instruct a minister and direct a minister how to answer the question. That is something that the minister has in their own right.

Senator Ian Macdonald: Mr President, I rise on a point of order. I asked the Minister for Employment Participation: does she agree with the statement made by Senator Wong—

The PRESIDENT: No—I understand she is representing the minister. You said 'as the minister'.

Senator Ian Macdonald: As the minister representing the minister.

The PRESIDENT: Yes, that is correct.

Senator Ian Macdonald: Does she agree with the statement made by a Senator Wong in 2007 about the disconnect between the ABS unemployment figures and the true state of the Australian labour market? So what I am saying to the Minister representing the Minister for Employment Participation is: does she agree with a statement that a Senator Wong made in 2007 regarding the disconnect between the official unemployment figures and the true state of the Australian labour market?

Senator Wong: The ABS utilises definitions in relation to the official unemployment figures which have been in place for some time. I can take on notice how long, but my recollection is they certainly have used the same definition under both parties of government.

Senator Ian Macdonald: Mr President, I rise on a point of order. My question was: does the Minister representing the Minister for Employment Participation agree with a statement by a Senator Wong about the disconnect? Either the minister for employment participation representative agrees with the statement of a Senator Wong back in 2007 or she does not. That is the question. I did not ask for a definition or explanation.

Senator Jacinta Collins: Mr President, there is no point of order. Senator Wong is dealing with relevant background to the question, very generously given the nature of the question, and I suggest that the opposition listen.

The PRESIDENT: I have said this before: I am not able to tell the minister how to answer the question. I believe that the minister was answering the question. The minister still has 42 seconds remaining to answer the question. I call the minister.

Senator Wong: I am, of course, flattered by the senator's interest in me and everything I have said through the years, but what I was trying to explain to him—

Senator Brandis interjecting—

Senator Wong: I am not sure if I should take that as a compliment or otherwise, Senator Brandis.

The PRESIDENT: Order! Ignore the interjections, Senator Wong.

Senator Wong: What I was trying to explain to him is that the ABS definition of unemployment is transparent, is available on their website and is, as I said—and I will check this—the same as was in place when Mr Costello was Treasurer. Obviously, the unemployment rate does not measure those not in the labour force, as it did not when Mr Costello was Treasurer.

Senator Ian Macdonald (Queensland) (14:55): I am not sure whether Senator Wong agrees with Senator Wong, but I will try a supplementary question. Does the minister agree with the Roy Morgan
organisation estimate which shows that the real unemployment number in Australia is currently 1.2 million people—that is, 9.8 per cent of the workforce—and that an additional 7.5 per cent of Australians—that is, 926,000 people—are underemployed? That is, a total of 2.13 million Australians, or 17.3 per cent, are looking for work or looking— *(Time expired)*

Senator WONG (South Australia—Minister for Finance and Deregulation) *(14:56)*: I am not quite sure what the question means, other than he might be a little bit obsessed with me, but that is okay. What I would say is this: the ABS does publish statistics on the labour market and that includes the unemployment rate, it includes—

Senator Ian Macdonald: Mr President, I rise on a point of order going to direct relevance. I did not ask about the ABS figures; I said: does Senator Wong, as the representative minister, agree with the Roy Morgan organisation figures which show that 17.3 per cent of Australians are unemployed or underemployed? That is what I asked. Do you agree with that, Minister, or don't you? If you don't, what are your figures?

The PRESIDENT: There is no point of order. The minister still has 38 seconds remaining to answer the question. I have been listening to the minister's answer. I believe the minister is in order.

Senator WONG: The official unemployment rate is 5.1 per cent. That reflects some softening in the labour market, as the senator may or may not know. The participation rate did also shift on a seasonally adjusted basis to 65 per cent, which is down by 0.2 per cent. If the senator is referring to the figures which are not the official unemployment rate figures, I will see if I can find any additional information to assist him on this matter.

Science

Senator WATER (Queensland) *(14:58)*: My question is to the Minister for Tertiary Education, Skills, Science and Research, Senator Evans. Science is central to our economy and prosperity, and government investment in research is central to maintaining and growing Australia's scientific capacity. There is growing concern amongst our universities and research organisations about the security of science funding. Minister, can you guarantee that science funding will be protected in this financial year? In particular, can you rule out any attempt to defer or freeze ARC, NHMRC or other science grants in an attempt to keep the budget in surplus?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) *(14:59)*: I thank the senator for the question. I am sure she is aware, and I suppose it is why the question has been asked, that there are a lot of scientists in the building as part of the program by STA to connect scientists with parliament. It has been a very successful program over many years and I think all parliamentarians appreciate the opportunity to engage with scientists. I know there were a number of parliamentarians at the dinner last night, including Senator Milne, me and Ms Sophie Mirabella, the opposition spokesperson, along with a range of other MPs whom I will not try to list because I did not see them all. There was a big crowd.

Those scientists have raised with me and other members some of the media speculation regarding science funding and some of the concerns in the sector that have been driven by some of that speculation. This government continues to fund science and research at record levels both at
universities and more broadly. The investment has been very focused on increasing the capacity of Australian science, which is world class. That investment continues, but the government has indicated that some of the grant rounds will be examined prior to their proceeding across government. There is no particularly strong impact on science and research at this stage because the rounds were not due to progress. We are reviewing all expenditure as part of good budgetary management, but no decision has been taken that would impact on what is a record investment in science and research. All those matters will be considered by the government as it manages its budgetary situation.

Senator WATERS (Queensland) (15:01): Mr President, I ask a supplementary question. Minister, why have you delayed your approval of funding for the industrial transformation research hubs, despite the recommendation of the proposals by the Australian Research Council?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (15:03): In respect of cooperative research centres, which is the program that is my responsibility and in my portfolio, that is just not true, Senator. Just because it says so in the paper does not make it true. The funds have not been frozen and the application round is continuing. But, as I said, there is a general review within government of spending and grant rounds. In terms of the Commercialisation Australia program, apart from the general proposition that I just explained to you regarding the review of all the grant programs, I am not sure that anything in particular has happened. I will take that question on notice because I am not responsible for that program. It falls within Minister Combet's purview and I will take it on notice and report back to the Senate if there is anything particular occurring in relation to that program.

Employment

Senator EDWARDS (South Australia) (15:04): My question is to the Minister for Finance and Deregulation, Senator Wong. I refer the minister to recent news that Myer will be closing two of its stores. One is in South Australia, specifically its store in Elizabeth, a region where the unemployment rate is 13.3 per cent, which is over twice the
national average. What responsibility does your government take for causing uncertainty and low business and consumer confidence which is generating divestments and not investment and contributing to further unemployment in an already high-unemployment area?

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:05): Isn't it interesting to get a question from a South Australian, who conveniently forgets that his party in South Australia wants to sack a quarter of the public service? For a few hours, Ms Redmond actually told the truth that Mr Hockey, Mr Abbott and all of those on the other side do not want to tell—that is, she actually revealed what the coalition would want to do if they were elected in South Australia. But we do not hear from the South Australian senator any concern about that, nor do we hear from the South Australian senator any concern about the failure of the coalition to match Labor's investment in the car industry. If he wants to talk about unemployment in the northern suburbs, I am happy to talk about unemployment in the northern suburbs and what it would be if you proceeded with your plans to rip out that investment that this government has put into that important industry. If he wants to talk about unemployment in the northern suburbs, I am happy to talk about unemployment in the northern suburbs and what it would be if you proceeded with your plans to rip out that investment that this government has put into that important industry. All we get from this senator and those on the other side is more of the same: let's talk down the Australian economy.

Senator Brandis: Mr President, I raise a point of order. The minister is required to be directly relevant to the question asked. The question asked what responsibility the government accepted for the high rate of unemployment in Adelaide, and in particular in Elizabeth. The minister is being neither directly nor at all relevant to that specific question.

Senator Jacinta Collins: Mr President, on the point of order, once again Senator Brandis is reframing the question. The question was far broader than that, and Senator Wong is responding in a general way.

The PRESIDENT: The minister is responding. The minister has 56 seconds. There is no point of order.

Senator WONG: This side of the chamber is always concerned about jobs. We have more than doubled annual infrastructure spend per head per South Australian. We are committed, unlike those opposite, to building 12 future submarines to be assembled in Adelaide, the biggest Defence project Australia has ever undertaken. What do we have on that side? 'Maybe we will, maybe we won't'—certainly a long way from a commitment. This is a government that is assisting the car industry because we understand the importance of advanced manufacturing skills to the Australian economy and the South Australian economy. We do care about jobs but, unlike those opposite, we match that care with policies. They simply want to talk down the economy.

Senator EDWARDS (South Australia) (15:07): Mr President, I ask a supplementary question. I remind the minister that the Myer store closure is symbolic of the wider problems in the retail sector in South Australia, where retail sales increased by less than 0.67 per cent in the 12 months to July, the worst performance of all mainland states and below the national increase of 2.8 per cent. Given that the retail sector is the second-largest employer, employing 92,500 South Australians, what is this government doing to stem the flow of job losses in this vital sector?

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:08): This government is investing in South Australia. Those opposite want to take that investment out. This government seeks
to support jobs and seeks to ensure that the economic settings enable jobs to be created. Eight hundred thousand jobs have been created since we came to government. What do those opposite want to do? Talk down the economy—that is what you want to do, because you think it is in your political interests. If the senator is really a South Australian who cares about his state, where is he when Mr Abbott says he is going to take $1 billion GST from South Australia? Deathly silence over there, Senator. Complete silence.

The PRESIDENT: Senator Wong, resume your seat. Senator Brandis is on his feet.

Senator Brandis: Mr President, on a point of order: I submit to you that an answer which abuses Senator Edwards and abuses the opposition is not responsive to a question: 'What is your government doing about retail jobs in South Australia?' That was the question: what are you—the government—doing about retail jobs in South Australia?

The PRESIDENT: The minister is answering the question. The minister has 19 seconds remaining.

Senator WONG: Well, if you took $1 billion out of the South Australian economy I suspect that might have an effect on retail. If you sacked one-quarter of the state's public servants I suspect that might have an effect on retail. Crocodile tears over there, Senator, and everybody knows it.

Senator EDWARDS (South Australia) (15:10): Mr President, I ask a further supplementary question. With the government's $10.10 per week carbon tax compensation failing to keep retail spending strong after being weakened by the carbon tax hit, is the federal government pursuing any initiatives on how to revive its retail economy, apart from yet another short-term cash splash which this country cannot afford?

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:11): The answer to the question is: 800,000 jobs have been created since we came to government, we have an economy growing at three per cent per year over the last year, we have an economy 11 per cent larger than it was when we came to government, and we have unemployment at 5.1 per cent. Those are figures which Australia has worked very hard for and no criticism from those opposite can walk away from the facts that this country and our economy is doing far better than almost any other advanced economy. Unlike those opposite, we will also look ahead to how we ensure prosperity is continued. What we will not do is succumb to the relentless negativity from that side which is about nothing but their political interests and that does nothing to serve the interests of the Australian people.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Asylum Seekers

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (15:12): 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 Cash today relating to border protection and asylum seekers.

We get to another day where those opposite would have some sort of celebration. The number is a big number—25,000. Sadly, that is not the number of doctors we have produced in Australia; sadly, that is not the number of new manufacturers that have opened around Australia; it is not the number of people who have done something particularly wonderful in our defence forces
or industry more generally. The 25,000, which is a particularly excruciating number for those opposite, we are celebrating today is the number of people—25,000 souls—who have arrived unlawfully on this country's shore since they have come into power. Every person is another failed policy. You have 25,000 of them. Those opposite seem to be living in deep denial. The house is on fire and there is a bit of smoke, but those opposite are looking around, saying, 'No, no—it's all okay. Next financial year we are still budgeting for no arrivals.' Great! Then of course there are flames as the house starts to fill up with smoke. 'No, no, there is no fire. It's quite okay.' So you wonder why, after making a prediction in the budget this year that there would be only 5,400 places required, in the first quarter 5,100 have already arrived. No wonder you scream out of the building with your pants on fire! You have not got an iota of a clue on how to manage any sort of policy, let alone a policy that is as sophisticated as this one requires. It is a wreck, your border protection failure, and those on the other side should be deeply ashamed.

Eventually they adopted reasonable policy, and we have all tried very hard to get there. Because they are in denial—it is like the three-legged stool where each of the legs of the stool is a part of a policy framework. They've said: 'Nauru—we'll have a one-legged stool. Don't worry about the others. It'll be right; it won't be wobbly; it won't fall over.' So why is it that we keep hearing from those on the other side that it is all okay, that everything is fine, no-one is arriving, there are no boats, everything is fantastic? It is because they are in complete denial. That is what happens when you take your hands off the wheel. That is one of the alternatives to being good at what you do; you just go into denial and pretend that you are good at what you do. Sadly, that has become the mantra across the policy spectrum for those on the other side.

There are more important legs to the stool. The most important leg that you have missed out on is turning the boats around where it is safe to do so.

**Senator Mark Bishop:** Drown a few!

**Senator SCULLION:** Absolutely not! I will take that interjection: 'Drown a few'. I tell you what: if they do not leave and we give a clear signal, Senator Bishop, saying 'If you don't move then you're not putting the lives of your family in danger', then that is what we should do. That is what we have done in the past. You have accepted half of our policy that sends that same signal, but you would be best advised to accept a further leg to ensure we turn the boats around where it is safe to do so because we know that is sending a signal, 'Don't leave and it will be okay.'

Senator Bishop is very interested in humanity. He is always very interested in the impact of policy. So 25,000 souls, Senator Bishop, and let me tell you who they are: 25,000 people who have come here, each one of those coming from a specific list. That list is the list provided by the UNHCR, and on it are the names of people for the family reunification demographic that are attached to our refugee humanitarian intake. There are 25,000 of them. That is 25,000 men, women, children, sisters, brothers, friends, husbands and wives who will not be rejoining those refugees who are currently in Australia. That is a consequence of your policy. So when you are preaching to me that it is all about the lives of the people in the boats, you should have a look at your own policy and come to terms with what an abject failure it really is in relation to the compassion that you so ably talk about, but are quite incapable of delivering. There are 25,000 people who should have been reunited with
their refugee demographic in Australia, but thanks directly to the policy failure on the other side those families will not be reunited. Shame!

Senator FURNER (Queensland) (15:18): It is no surprise that the coalition is still harping on this issue given its position on particular parts of its policy. I think the Senate and the public should be reminded that we made several attempts to fix this issue over a space of time and it took some consideration, it took a compromise by the government—a mature compromise—after the coalition had sided with the Greens and voted against our policy to stop boats arriving on our shores. In doing so, they stopped us from stopping boats arriving on our shores; they stopped us from stopping those drownings of those hundreds and hundreds of refugees escaping their countries to have a better life in this country. I am certainly proud to be an Australian and I know that a lot of the migrants that I confer with in my constituency are also so proud to be Australians; they are so proud that they are here and feel so fortunate. They express to me how lucky they are to be in Australia, how lucky they are to be in this country.

I wonder at times, I truly wonder, whether the coalition has some sort of desire or some sort of issue with migrants. It always seems to want to attack migrants. It always seems to want to attack their passage of coming to this country. It is not refugees' fault for wanting to come to this wonderful country of ours. We should all be reminded that it is the fault of those terrible people smugglers who have set up cartels over in Indonesia and other parts of our neighbourhood in the north. They are using these opportunities to bring people to this country for their own benefit, to make money out of others' misfortunes. Those cartels, those pirates, do not care whether the refugees end up at the bottom of the ocean; they do not give a damn about the fact that they are putting people on leaky boats. This is why we cannot allow a policy like turning the boats back.

I have spoken about this on numerous occasions in this chamber, but I have been fortunate enough to be on the parliamentary defence program. I am also fortunate enough to have with me this week an officer, a captain, from the Navy. We have spoken privately about this particular issue. He has conferred with me about the comments made by the Chief of Navy that turning the boats around will not work. It will not work. I have been up to Darwin. I went to Darwin in 2009 as part of the parliamentary defence program on Operation Resolute. We went out on an Armidale and we spent some time with the good, hard-working men and women on that boat. You get an understanding of how they operate. You get an understanding of what they do, and the professionalism they show in their roles is outstanding. They need to be commended, our men and women in the Australian Defence Force.

Furthermore, Senator Kroger and I recently went to RIMPAC and saw the good work that our men and women do on our boats over in that particular part of the world. One thing that was so stark and came home to me was this. An opposition member who is the shadow minister for health, Mr Peter Dutton, asked a question of one of the sailors on the boat—I cannot remember the name of the boat off the top of my head but it was certainly of the Armidale class being up in those waters. If you recall, this was around 2009 and it was getting close to the 2010 election and it was in the media, like it always is. He said, 'What would happen if we turned the boats back?' And this response was given by that sailor, the same response that Chief of Navy provides us time after time in estimates—and I know as I am a member of the Legal and Constitutional Affairs Legislation Committee—'It is not...
possible. It will not work. They will damage their motor. They will damage the hull of their boat. They will do anything to prevent a decent rescue of the people on those boats.'

So you end up in a situation where not only are you rescuing people from those leaky and damaged boats but you are also placing the lives of those hardworking professional sailors in a circumstance where their lives are at risk as a result of a policy the coalition wants to implement that will put in jeopardy the safety of our Defence personnel in those dangerous waters up in northern Australia. So that is why we cannot have a policy of turning the boats back. (Time expired)

Senator EGGLESTON (Western Australia) (15:23): I also rise to take note of answers given by Senator Lundy to the questions asked by Senator Cash, who, as has been said, advised the Senate that some 25,000 boat people have arrived in Australia since the ALP came to power. Mr Deputy President, you will forgive me for sounding somewhat like a broken record but, unlike the government's toing and froing with bureaucratic bungling and misguided policies, the coalition has always maintained the same policies and successful approach to illegal boat arrivals. What the Gillard government is essentially doing as a result of the Houston report is copying one of the Howard government's most successful approaches, namely offshore processing in Nauru with Papua New Guinea to be considered in the future if the Houston report is followed. It is a turn in the right direction but it is not all that is needed.

One of the other really successful policies of the Howard government in dealing with refugees was temporary protection visas, or TPVs. The Howard government used TPVs quite extensively and under this scheme people were offered refugee status in Australia until the situation in their homelands improved. However, I think and the coalition thinks that the real answer is a regional solution, a cooperative relationship between Indonesia, Malaysia and Australia in dealing with boat borne refugees, but this will only be achieved by proper negotiations between the other regional countries, not the kind of pre-emptive announcement by former Prime Minister Rudd that East Timor would accept refugees when, in fact, there had been no consultation whatsoever with that country and in the end, of course, they did not accept refugees.

What we have seen in recent weeks is a near total about-face by the ALP against the policy they had when they first came to office of reversing the very successful coalition measures. Those measures stopped the flow of refugees and reduced to a trickle the number of people coming to Australia as refugees by unconventional means. The coalition has always argued that the full suite of measures that stopped the boats—including offshore processing in Nauru, TPVs, and turning the boats back when safe to do so—should be reimplemented if the strong tide of boats is to be stopped.

We are very pleased that at long last the ALP has seen the wisdom of our policies and has decided to reinstate at least the policy of offshore processing using Nauru. The figures speak for themselves. When the coalition left office just four people who had arrived illegally by boat were in detention. As of a few hours ago, some 40 boats carrying more than 2,500 people have arrived since only a few weeks ago Labor announced its policy of placing refugees on Nauru. It is extraordinary to think of those numbers when you compare them to the number of people who came to this country under the Howard government—very few indeed. More broadly, less than nine full months into this year there have been over 10,000 people
on more than 150 boats as this government has still refused to introduce the coalition’s full suite of vital border protection policies. Yet in the last five years of the Howard government just 18 boats arrived, an average of one boat every 101 days, not almost one boat a day as under the destructive and non-effective policies of this government.

The DEPUTY PRESIDENT: I call Senator Bishop.

Senator MARK BISHOP (Western Australia) (15:28): Thank you, Mr Deputy President, and welcome back into the chair. I think over the last week or so we have missed your sense of balance in the carrying out of those duties of the chair as similarly we have missed a sense of proportion and a sense of balance from the opposition in their contribution today in this take note of answers debate. Today the opposition asked some five or six questions of government ministers. I think four went to Senator Wong on matters related to her portfolio and general matters of economic interest and one question in the middle went to Senator Lundy on matters related to refugee processing.

Today's theme is: why don't we shift the biff, shift the bash? All last week and yesterday the opposition have been engaged in a raging torrent of attacks on public sector workers in Queensland and New South Wales—they couldn't get out of the race quick enough to do that. Also, in South Australia, when the Leader of the Opposition, Ms Redmond, saw her counterparts in New South Wales and Queensland hopping into the public sector and public sector workers, she immediately said she could beat them, double their odds and go for 25,000. That has only worked for the last six days, so today they cast about for something else to talk about in this debate. They asked four or five questions on economic matters to Senator Wong. She batted them off—whack, six; whack, four, whack, six! They can't ask questions on that, so they reach down into the satchel and find an old friend, an old faithful. They have only had two in the last three years. One has been the carbon tax and we know that is a patent failure, with all of their attacks wasted for 18 months to two years. The second ground of attack they have had against the government has been our alleged failure on refugee processing and on asylum seekers coming into this country.

They fail to mention that as the legislation went through both houses of parliament, the House and the Senate, some short time ago at relatively short notice and after relatively brief discussion in both places, the opposition and the government were sitting on the same side and voting for the bill to address the issues arising out of refugees and asylum seekers seeking entry into this country. The government does not in any way knock the support of the opposition. We welcome it and appreciate their change of heart after two or three years to finally see sense and give the government support in the passage of legislation to achieve some peace in this difficult area of policy. We welcome their support; we noted it at the time and I refer to it again today. The three-person report chaired by former Chief of the Defence Force, Mr Houston, was not about who won or who lost the politics of that debate. We have taken action, supported by the opposition, to implement the 25 or 27 recommendations of the Houston report. One of the key recommendations was to increase the intake to 25,000 people a year.

The opposition today introduced a new concept, put out there by Senator Scullion. I must concede at the outset that he did a bit of a backtrack about three sentences later because he had only mentioned half of their new policy. But the policy outlined by
Senator Scullion, and presumably endorsed by the opposition front bench because we have heard no suggestion of going back on it, is to turn around the boats at sea and allow all of the people in those boats to drown. Some three or four sentences after he outlined that, Senator Scullion found a caveat, because he appreciated the horror and brutality of what he had said, by saying it was subject to the boats being safe. How one determines that boats are going to be safe or not at a distance of some miles or hundreds of metres one does not know, but we now have a new policy leg. The three legs have turned into four, and the fourth one is now to turn around the boats at sea and hang the consequences.

That is a different position to what the government seeks. Our solution, our approach, is much broader. We seek engagement with all of our near neighbours—PNG, Nauru, Malaysia and others. Some of those places, which of course are the passage points— (Time expired)

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:33): I rise to respond and to take note of the robotic approach taken by Minister Lundy in answering the question on asylum seekers, which, I have to remind the good Senator Bishop—who clearly was missing in action during question time—was our leading question. The question directed to Minister Lundy, the Minister for Multicultural Affairs, was the first question that was asked today. But in my heart I want to go a little easy on Senator Bishop and Senator Furner, who also responded in this take note debate, because they are both from the Right within the Labor Party and they must be screaming—it must irk them something shocking—to be in alliance with the Greens. It must have cruelled their pitch something chronic. So I do feel very sorry for both Senator Bishop and Senator Furner having to endure an alliance with the Greens since the 2010 election. And the most blatant outcome of that alliance has been the adoption of what in effect has been the Greens policy for onshore processing.

Senator Bishop referred to the numerous policies, computations and permutations that the Labor government under Prime Minister Gillard has attempted in dealing with the asylum seeker issue. We have gone from the East Timor solution to the five-for-one Malaysia solution, which has created a much more catastrophic situation. That is why it was our leading question today, because now this government under Prime Minister Gillard has broken the record books overnight, with more than 25,000 people seeking asylum in Australia. The government has broken the record books, and it is not a record that anyone should be proud of.

During question time today I noted and observed 15 men and women of the Australian Defence Force who were in the public gallery to view question time. Those men and women are currently placed with various senators and members of parliament under the ADF exchange program. They reminded me of the 25 men and women from the Defence Force who have been sent to Manus Island today to prepare that detention centre for the overflow of asylum seekers that are coming here.

One of the things that both Senator Furner and Senator Bishop shared today was a lack of appreciation that this government must at some time be accountable for what has happened. Let us not forget the facts, because they would like the Australian public to do so. Those listening to this broadcast know the facts. Let us go through them again.
Since Prime Minister Gillard knifed the former Prime Minister, Mr Rudd, in the back—one of the policy reasons being the flotilla of boats coming here—no fewer than 18,450 people have arrived by boat. Since she announced the opening of Nauru, we have still had 41 boats, with a sum total of 2,485 people. The issue here is the backflip that they did not want to be seen to have—and this is not political point-scoring—but you cannot institute just part of the solution; you need to implement all of the solution. The former Howard government's Pacific solution worked. Let's bring it back in its entirety.

Question agreed to.

Hicks, Mr David

Senator WRIGHT (South Australia): (15:38): I move:

That the Senate take note of the answer given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to a question without notice asked by Senator Wright today relating to Mr David Hicks.

On the weekend there were more alarming revelations about the appalling treatment experienced by David Hicks and other inmates of Guantanamo Bay while they were detained by the United States. An article by Natalie O'Brien in the Sydney Morning Herald detailed the forced administration of drugs—the sort of treatment we might expect to hear about in totalitarian regimes. But here we are speaking of the treatment of an Australian citizen held by one of our allies.

David Hicks has consistently claimed that he was mistreated during his 6½ years in Guantanamo. Evidence corroborating those claims was finally set to become public during the hearing of the Australian government's proceeds of crime action against him in July this year. However, the Commonwealth Department of Public Prosecutions abandoned the case a week before it was due to proceed in the New South Wales Supreme Court and has stated that it would have been unable to satisfy the court that any admissions made by David Hicks at Guantanamo should be relied upon. This is likely to be because those admissions were made under coercion after long years of detention.

David Hicks ultimately made an Alford plea—a US plea that is not recognised in Australia—where a person can agree to evidence but not make admissions. As a result he was convicted of an offence—'providing material support for terrorism'—which was not even in existence at the time he was alleged to have committed it, in breach of the honoured convention against retrospective criminal offences. The other reason given by the Commonwealth Department of Public Prosecutions for discontinuing the trial was that David Hicks had provided new evidence not previously available. In question time today, the Minister representing the Attorney-General was not willing to shed any light on what that new evidence comprised and what it was about that evidence that was sufficient to cause the abandonment of the case against David Hicks.

Natalie O'Brien's article indicates that new evidence from US authorities, including from a former Guantanamo guard and a respected New York attorney, Josh Dratel, was to be relied on by David Hicks in the proceeds of crime case and would have then been available on the public record. It would have been the first time to test allegations against David Hicks in a properly constituted court. According to the article, Mr Dratel has a top-secret security clearance from the US Department of Justice and has acted for a number of detainees, including David Hicks. He was apparently to give direct evidence of non-therapeutic drugging, which has been described by an army doctor, Major
Remington Nevin, as inappropriate. Major Nevin has questioned whether use of an antimalarial drug called mefloquine had been motivated by its psychotic side effects. He has described the mass administration of the drug as being akin to 'pharmacologic waterboarding'. High dosages were apparently given to all detainees, including David Hicks, to stop the spread of malaria, but it was not given to staff brought into the centre from malaria endemic countries, and the evidence suggests that David Hicks was not suffering from malaria at the time. Anti-malaria drugs were used for experimental research by the CIA in the 1950s, according to research that has been obtained by the news outlet Truthout. The US Food and Drug Administration product guide says that this drug can cause mental health problems including anxiety, hallucinations, depression and unusual behaviour. It has been linked to brain injuries, suicidal and homicidal thoughts, depression and anxiety.

It is clear that this issue—the treatment of David Hicks and other detainees in Guantanamo Bay—will not go away. More and more information will come out as people who are concerned are willing to go on the public record. To uphold justice we must account for the past. To ensure that it does not happen again we must account for the past. In this case, to ensure justice, we need to address the festering questions about David Hicks's treatment while in Guantanamo, including the role played by both the US and the Australian governments in his treatment, trial and detention.

The current Australian government can no longer avoid this issue. Nothing short of an independent inquiry into David Hicks's detention, treatment and unfair trial will do, with particular regard given to the role played by the former Australian government, who stood by and allowed it to occur, despite the concerns raised consistently by credible legal commentators about the fairness of the process. We must know what happened to David Hicks so that we do not allow it to happen to other Australian citizens in the future.

Question agreed to.

**PETITIONS**

**Syria**

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

To the Honourable President and members of the Senate in Parliament

The undersigned support a peaceful political solution to the crisis in Syria and so support the Annan Peace Plan. We strongly condemn the support given by countries and individuals to armed groups, including groups aligned with Al-Qaeda and Salafi jihadists, which are killing thousands of Syrians and terrorizing millions. We condemn the Australian government's sanctions against Syria as they will not only lead to much greater hardship for the people of Syria but will not help to ensure peace in that country.

We are also troubled by the presentation of the news about Syria by the ABC and SBS as in general we believe both networks present a biased and misinformed view of events in Syria and this can encourage extremist elements in the community to radicalize segments of the community and recruit fighters for a jihad against secular Syrians.

Therefore, we call on the Senate Foreign Affairs, Defence and Trade Committees to reassess the Australian government's response to the crisis in Syria. We demand that the government pressure those countries that arm and support anti-government fighters, which include terrorists, to stop that support immediately and demand that they respect the Annan Peace Plan. We ask that the necessary resources are committed to ensure that the best expert advice on the crisis in Syria can be presented to the government. We ask that the presentation of the views on the crisis in Syria by the ABC and SBS be closely examined by Senator Conroy's office with reference to a wide range of people in the
An Australia that seeks peace in the world in an honest and independent manner is an Australia which will command respect in the international community.

by Senator Cameron (from 485 citizens).

Petitions received.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (15:44): by leave—At the request of the Chair of the Legal and Constitutional Affairs Legislation Committee, I move:

That the Legal and Constitutional Affairs 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 Wednesday, 19 September 2012 from 1.45 pm.

Question agreed to.

Electricity Prices Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (15:44): by leave—At the request of the Chair of the Select Committee on Electricity Prices, Senator Thistlethwaite, I move:

That the Select Committee on Electricity Prices be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 19 September 2012, from 1.50 pm.

Question agreed to.

Australian Commission for Law Enforcement Integrity Committee

Meeting

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:45): by leave—At the request of the Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity, I move:
That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 6.15 pm.

Question agreed to.

NOTICES

Presentation

Senator Boswell to move:

That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 29 November 2012:

The effect on Australian ginger growers of importing fresh ginger from Fiji, including:

(a) the scientific basis on which the provisional final import risk analysis report regarding the importation of fresh ginger has been developed;

(b) the adequacy of the pest risk assessments contained in the provisional final import risk analysis report for fresh ginger from Fiji;

(c) the risk and consequences of the importation resulting possibly in the introduction of pest species or diseases and soil-borne diseases;

(d) the adequacy of the quarantine conditions recommended by the Department of Agriculture, Fisheries and Forestry; and

(e) any other related matter.

Senator Collins to move:

That consideration of the business before the Senate on Wednesday, 10 October 2012, be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Ruston to make her first speech without any question before the chair.

Senator Bishop to 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, 20 September 2012, from 3.30 pm.

Senator Furner to move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 9 October 2012, from 5.30 pm, to take evidence for the committee's inquiry into the care of Australian Defence Force personnel wounded and injured on operations.

Senators Polley and Brown to move:

That the Senate—

(a) notes that:

(i) dementia is the greatest cause of disability in older Australians aged 65 and over,

(ii) there are almost 280,000 Australians living with dementia and 1.2 million who provide support and care, and

(iii) every week an estimated 1,600 new cases of dementia occur, with the number expected to grow to 7,400 new cases per week by 2050, resulting in 1 million Australians living with dementia by 2050;

(b) recognises the significance of Dementia Awareness Week, from 21 September to 28 September 2012, in promoting and advocating for the needs of those living with dementia, their families and carers;

(c) welcomes the designation of dementia by the Minister for Health (Ms Plibersek) as the ninth National Health Priority Area; and

(d) acknowledges the ongoing contributions of Alzheimer's Australia and its state and territory associations in supporting and advocating for those affected and leading the charge in the fight against dementia.

Senator Back to move:

That there be laid on the table by the Minister representing the Minister for Health, by 5 pm on Thursday, 11 October 2012, the contents of the following National Health and Medical Research Council files which relate to wind turbines:

(a) Public Health and Medical Research – Advice – Health Effects of Wind Farms;

(b) Public Health and Medical Research – Research – Wind Turbines and Health – Evidence Review and Public Statement 2010/012940;
(c) Public Health and Medical Research – Enquiries – Wind Turbines and Health – Evidence Review 2010/041323;

(d) Information Management – Appeals (decisions) – Freedom of Information 2010/00883;

(e) Wind Turbines and Health – Acciona Energy Oceania Pty Ltd 2010/066543;

(f) Public Health and Medical Research – Latest Scientific Evidence on Wind Turbines and Health 2011/014789;

(g) Public Health and Medical Research – Research – Wind Turbines and Health Literature 2011/024222;

(h) Public Health and Medical Research – Liaison – Wind Turbines Externally Submitted References 2011/028268;

(i) Public Health and Medical Research – Liaison – Wind Turbines Externally Submitted References Part Two 2011/039890;

(j) Public Health and Medical Research – Reviews (Decisions) – Wind Turbines and Health Senate Inquiry 2011/039945;

(k) Public Health and Medical Research – Liaison – Reference Group and Literature Review 2011/054388;

(l) Public Health and Medical Research – Research – Wind Turbines and Health Literature 2011/054389; and

(m) Public Health and Medical Research – Committees – Wind Turbines and Health Literature Review Reference Group Membership and Finance 2011/054391.

Senators Pratt and Moore to move:

That the Senate—

(a) notes that two-thirds of Australian women who have experienced domestic violence with their current partner are in paid employment;

(b) recognises the:

(i) significant impact that domestic violence can have on the employment of women who are subjected to it, including:

(A) lost productivity as a result of anxiety and distraction in the workplace,

(ii) absenteeism due to sustaining physical and psychological injuries,

(iii) disrupted work histories as victims often frequently change jobs,

(iv) lower personal incomes and reduced hours of work, and

(v) risks to personal safety in the workplace as well as to co-workers, and

(i) positive impact of the inclusion of domestic violence clauses in contracts of employment to ensure protections for victims, including:

(A) additional paid leave to enable employees subjected to domestic violence to, for example, attend court hearings and medical appointments without exhausting other forms of personal leave,

(B) access to flexible working arrangements where possible, and

(C) assurance that employee details will be treated confidentially and disclosure will not lead to discriminatory treatment;

(c) acknowledges the introduction of domestic violence clauses for public sector employees in both Queensland and New South Wales and congratulates organisations in the private sector that have also moved to incorporate these clauses in contracts of employment; and

(d) urges all private companies and public sectors to include domestic violence clauses in their enterprise agreements to provide victims with important protections such as access to leave in addition to existing entitlements.

Senator Boyce to move:

That the Senate—

(a) acknowledges:

(i) that 19 September 2012 is National Family Business Day, and

(ii) the role that family businesses have played in shaping the social, economic and cultural fabric of Australia; and

(b) notes:

(i) data from Family Business Australia advising that about 70 per cent of Australian businesses are family businesses and employ 50 per cent of the Australian workforce,
(ii) that family businesses can be small, medium or large enterprises and that one of the largest family businesses employs more than 27,000 people, and

(iii) the resilience and adaptability of family business even in difficult economic conditions.

Senator Siewert to move:
That there be laid on the table by the Minister representing the Minister for Families, Community Services and Indigenous Affairs, by 28 September 2012, the following:

(a) the confidentialised Wave 3 and Wave 4 Parent 1 and Parent 2 data sets from the 'Footprints in Time – The Longitudinal Study of Indigenous Children';

(b) the Wave 3 and Wave 4 Parent 1 Mark Up Questionnaire from the 'Footprints in Time – The Longitudinal Study of Indigenous Children';

(c) the Wave 3 and Wave 4 Parent 2 Mark Up Questionnaire from the 'Footprints in Time – The Longitudinal Study of Indigenous Children'; and

(d) documents which include an analysis of income management data in the 'Footprints in Time – The Longitudinal Study of Indigenous Children'.

Senator Madigan to move:
That the Senate—

(a) notes that:

(i) Australia has been a signatory to the Japan-Australia Migratory Bird Agreement since 1974,

(ii) Australia has been a signatory to the China-Australia Migratory Bird Agreement since 1986,

(iii) Australia has been a signatory to the Republic of Korea-Australia Migratory Bird Agreement since 2006,

(iv) each of these agreements obliges Australia to protect the flight paths and habitats of those migratory birds listed in the agreements, and

(v) the Environment Protection and Biodiversity Conservation Act 1999 (the Act) requires that 'an action will require approval if the action has, or is likely to have, a significant impact on a listed migratory species'; and

(b) calls on the Government to ensure it complies with its obligations to the protect the flight paths and habitats of all migratory birds listed under these agreements and the Act, and to refer any project that has, or may have, a significant impact on a listed migratory species for assessment under the Act.

Senator Waters to move:
That the Senate—

(a) notes:

(i) the intention of the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to transfer responsibility for protecting our nationally threatened species and wilderness places to state governments by March 2013, and

(ii) that Australians expect our nationally threatened species and wilderness places to be protected by the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities, including South Australia’s Glossy Black Cockatoo, and the internationally listed Coorong and Lakes Alexandrina and Albert Ramsar Wetlands; and

(b) calls on the Government to retain responsibility for all major decisions on environmentally damaging projects that affect our nationally threatened species and wilderness places.

Postponement
The following items of business were postponed:

General business notice of motion no. 781 standing in the name of Senator Hanson-Young for today, proposing the introduction of the Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012, postponed till 20 September 2012.

General business notice of motion no. 932 standing in the name of Senator Rhiannon for today, relating to the Parramatta Female Factory Precinct, postponed till 29 October 2012.
COMMITTEES

Education, Employment and Workplace Relations Legislation Committee

Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (15:46): At the request of the Chair of the Education, Employment and Workplace Relations Legislation Committee, Senator Marshall, I move:

That the time for the presentation of the following reports of the Education, Employment and Workplace Relations Legislation Committee be extended to the first sitting day in March 2013, as follows:

(a) provisions of the Protecting Local Jobs (Regulating Enterprise Migration Agreements) Bill 2012; and

(b) Fair Work Amendment (Small Business—Penalty Rates Exemption) Bill 2012.

Question agreed to.

Legal and Constitutional Affairs References Committee

Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (15:46): At the request of the Chair of the Legal and Constitutional Affairs References Committee, Senator Wright, I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs References Committee on detention of minors be extended to 4 October 2012.

Question agreed to.

MOTIONS

Protests

Senator MASON (Queensland) (15:46): I move:

That the Senate—

(a) supports the rights of Australians to peacefully protest and condemns violent protests;

(b) deplores the violence perpetrated by Islamic extremists during protests on 15 September 2012 in Sydney that led to the injury of police officers; and

(c) condemns *Green Left Weekly* for its publication of articles blaming police for the confrontation that was instigated by violent protestors.

I seek leave to make a short statement.

The DEPUTY PRESIDENT: Is leave granted?

Senator Jacinta Collins: One minute.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MASON: Outside this chamber, 95 per cent of Australians would support this motion. Writing of last Saturday’s protests, the *Green Left Weekly* published this:

… the police goaded the protesters, in particular the youth, and so the police are responsible for the clashes that took place.

That is what the *Green Left Weekly* said. Is there anything more toxic in the politics of this country than the self-loathing of the *Green Left Weekly* and the moral vanity of the Australian Left, both beholden as they are, as they always have been, to outmoded notions of political correctness? This motion should pass with the authority of the entire Senate. If it does not, it will be an absolute and utter disgrace.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator JACINTA COLLINS: The government does not believe the Senate should condemn the press, even the *Green Left Weekly*, for views expressed in its pages. It is self-evident that all senators support
forms of democratic expression. The chamber itself is the embodiment of our democracy. The Prime Minister made the government's views about the protest activity clear on the weekend: violent protest is never justified. Further action is in the hands of the New South Wales police and, if warranted, the courts.

Senator DI NATALE (Victoria) (15:48): I also seek leave to make a short statement.

Senator Kroger: One minute.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DI NATALE: We support the first parts of this motion. Of course we support the right to peaceful protest and we condemn the violent protests that occurred. But this motion also condemns a media outlet for publishing a piece that the mover disagrees with. As it happens, I also disagree with some of the media commentary in response to the protest. I disagree with Andrew Bolt, who said:

If this comes from opening our doors, then shut them. If this comes from multiculturalism, then scrap it.

If this is the fruit of our tolerance, let's try intolerance.

I find those views abhorrent. I find those views worthy of condemnation. However, I have not sought to condemn those views, because I do believe in a free press. There is a touch of irony in this, in that the other side, who have made such a song and dance about free speech, now move a motion to condemn a publication they do not agree with.

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

The Senate divided [15:54]
(The President—Senator Hogg)

Ayes..........................29
Noes............................35

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

AYES
Abetz, E
Bernardi, C
Boyce, SK
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Kroger, H (teller)
Mason, B
Nash, F
Payne, MA
Ryan, SM
Smith, D
Xenophon, N

NOES
Bilyk, CL
Brown, CL
Carr, KJ
Conroy, SM
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC
Ladlam, S
Madigan, JJ
McEwen, A (teller)
Milne, C
Polley, H
Siewert, R
Sterle, G
Thorp, LE
Waters, LJ
Wright, PL

PAIRS
Birmingham, SJ
Bushby, DC
Cash, MC
Johnston, D
Ruston, A
Sinodinos, A

Evans, C
Lundy, KA
Carr, RJ
Wong, P
Singh, LM
Pratt, LC

Question negatived.

India: Nuclear Nonproliferation

Senator LUDLAM (Western Australia) (15:56): I move:
That the Senate—

(a) notes:

(i) from 15 October 2012, the Prime Minister (Ms Gillard) will visit India and will likely advance a bilateral uranium framework agreement while there,

(ii) the growing mass movement in India peacefully protesting nuclear reactors on grounds of health, safety and loss of livelihood due to radiation risks, and

(iii) brutal repression by the police and navy of the tens of thousands of peaceful protesters at the Koodankulam reactor, including two deaths due to police shootings, the latest being Mr Anthony Samy on 11 September 2012, and at least five related deaths over struggles against Koodankulam, Jaitapur (Maharashtra) and Gorakhpur (Haryana) nuclear power plants since 2010; and

(b) calls on the Government to:

(i) make representations to Indian authorities on the democratic right to peaceful protest,

(ii) recognise that, in the case of Koodankulam, nuclear reactors are being forced on local residents at gunpoint, and that uranium fuel loading is imminent despite 10 safety guidelines having not been met,

(iii) promote the independence of India’s nuclear regulators from industry and government as best international practice;

(iv) not sell uranium to countries that stand outside the nuclear Non-Proliferation Treaty (NPT) and its associated safeguards system, and

(v) implement recommendations made by the Joint Standing Committee on Treaties on bilateral uranium agreements.

Question negatived.

Environmental Conservation

Senator WATERS (Queensland) (15:57):

I move:

That the Senate—

(a) notes:

(i) the intention of the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to transfer responsibility for protecting our nationally threatened species and wilderness places to state governments by March 2013, and

(ii) that the New South Wales Premier (Mr O’Farrell) is ready to sacrifice the iconic Australian koala for mining and development; and

(b) calls on the Government to retain responsibility for all major decisions on environmentally damaging projects that affect our nationally threatened species and wilderness places.

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

The Senate divided [15:59]

(The President—Senator Hogg)

Ayes .................11
Noes .................44
Majority.............33

AYES

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

NOES

Back, CJ
Bilyk, CL
Boswell, RLD
Cameron, DN
Colbeck, R
Conroy, SM
Edwards, S
Farrell, D
Fawcett, DJ
Fierravanti-Wells, C
Furner, ML
Heffernan, W
Humphries, G
Ludwig, JW
Marshall, GM
McEwen, A
Moore, CM
Polley, H

Back, CJ
Bilyk, CL
Boswell, RLD
Cameron, DN
Colbeck, R
Conroy, SM
Edwards, S
Farrell, D
Fawcett, DJ
Fierravanti-Wells, C
Furner, ML
Heffernan, W
Humphries, G
Ludwig, JW
Marshall, GM
McEwen, A
Moore, CM
Polley, H

Bernardi, C
Bishop, TM
Brown, CL
Carr, KJ
Collins, IMA
Crossin, P
Eggleston, A
Faulkner, J
Feeney, D
Fifield, MP
Gallacher, AM
Hogg, JI
Kroger, H (teller)
Macdonald, ID
Mason, B
McLucas, J
Parry, S
Ruston, A
I move:

That the Senate—

(a) recognises that:

(i) torture is a gross violation of human rights,

(ii) Australian, Mr David Hicks, experienced torture and cruel and degrading treatment during his detention in Guantanamo Bay, and

(iii) recent reports indicate that while incarcerated in Guantanamo Bay Mr Hicks was forcibly administered drugs such as mefloquine for non-therapeutic purposes, when it is known to cause psychotic side effects and brain damage; and

(b) calls on the Government to conduct an independent inquiry into Mr Hicks’ detention, treatment and unfair trial, including the role of the former Australian Government.

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

The Senate divided. [16:03]

The President—Senator Hogg

Ayes----------------------11
Noes---------------------42

Majority..................31

AYES

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

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

NOES

Back, CJ
Bilyk, CL
Boswell, RLD
Carr, KJ
Collins, JMA
Crossin, P
Eggleston, A
Faulkner, J
Fierravanti-Wells, C
Furner, ML
Heffernan, W
Kroger, H (teller)
Marshall, GM
McEwen, A
McLucas, J
Parry, S
Ruston, A
Scullion, NG
Stephens, U
Thistlethwaite, M
Urquhart, AE

Bernardi, C
Bishop, TM
Cameron, DN
Colbeck, R
Conroy, SM
Edwards, S
Farrell, D
Feeney, D
Fifield, MP
Gallacher, AM
Hogg, J
Ludwig, JW
Mason, B
McKenzie, B
Moore, CM
Polley, H
Ryan, SM
Smith, D
Sterle, G
Thorp, LE
Williams, JR

Question negatived.

Hicks, Mr David

Senator WRIGHT (South Australia) (16:02): I move:

That the Senate—

(a) recognises that:

(i) torture is a gross violation of human rights,

(ii) Australian, Mr David Hicks, experienced torture and cruel and degrading treatment during his detention in Guantanamo Bay, and

(iii) recent reports indicate that while incarcerated in Guantanamo Bay Mr Hicks was forcibly administered drugs such as mefloquine for non-therapeutic purposes, when it is known to cause psychotic side effects and brain damage; and

(b) calls on the Government to conduct an independent inquiry into Mr Hicks’ detention, treatment and unfair trial, including the role of the former Australian Government.

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

The Senate divided. [16:03]

The President—Senator Hogg

Ayes----------------------11
Noes---------------------42

Majority..................31

AYES

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

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

NOES

Back, CJ
Bilyk, CL
Boswell, RLD
Carr, KJ
Collins, JMA
Crossin, P
Eggleston, A
Faulkner, J
Fierravanti-Wells, C
Furner, ML
Heffernan, W
Kroger, H (teller)
Marshall, GM
McEwen, A
McLucas, J
Parry, S
Ruston, A
Scullion, NG
Stephens, U
Thistlethwaite, M
Urquhart, AE

Bernardi, C
Bishop, TM
Cameron, DN
Colbeck, R
Conroy, SM
Edwards, S
Farrell, D
Feeney, D
Fifield, MP
Gallacher, AM
Hogg, J
Ludwig, JW
Mason, B
McKenzie, B
Moore, CM
Polley, H
Ryan, SM
Smith, D
Sterle, G
Thorp, LE
Williams, JR

Question negatived.

MATTERS OF PUBLIC IMPORTANCE

Privacy

The DEPUTY PRESIDENT (16:06): A letter has been received from Senator Siewert:

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

The threat posed by existing and proposed government incursions into Australian’s right to privacy and the freedom of the individual.

Is the proposal supported?

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

Senator LUDLAM (Western Australia) (16:06): I thank the chamber. This debate has been triggered by matters that are presently before the Parliamentary Joint Committee on Intelligence and Security. I would not normally propose to bring matters
like this before the chamber while they are in the capable hands of that committee because that process has a way to go—and I look forward to its report—but I have proposed this debate here this afternoon for a number of reasons: firstly, because of the extraordinary scope of the proposals put before the committee, which have sparked a consensus of opposition among some very unusual allies and, secondly, because of the almost total absence of detail or justification in the government's discussion paper when it comes to the most extraordinary examples of overreach proposed in the terms of reference. What I am hoping will come from this debate is some clarity from government senators as to what is being proposed and the rationale for it, because it is something I have not been able to ascertain. Judging by the behaviour even of some government senators in recent hearings, late last week, it appears even government MPs are not sure exactly what the government is proposing because some of these proposals are unjustified. From coalition senators, particularly from the Liberal Party, as Senator Mason beats a retreat from the chamber—

Senator Mason: I'll be back, Scott.

Senator LUDLAM: I am glad to hear that, Senator. I am very interested to know whether the party of liberalism proposes to stick up for the rights of individuals, whether their privacy is threatened offline or online, and why exactly it is that the coalition appear to be going along with this proposal. I would also acknowledge, however, that there have been some very strong statements by coalition senators. I am very keen to know whether this is the view of the party room or whether some individuals have been let out on a leash to test opposition to the proposals. These things are deadly serious. That is why I have made something of an exception this afternoon and brought these matters to the chamber while they are still under discussion by the joint committee.

The parliament and the joint committee have been brought into a conversation that the Attorney-General's Department has been pursuing with an unwilling technology sector for at least two years. What would it take, the government wants to know, for phone and internet companies to record all of our activity online—every move made by every Australian across all platforms? That is web traffic; it is who you emailed; it is your phone records, and probably also all of your social media activity; every financial transaction; every conversation; and, depending on how your mobile phone is configured, your location every minute of the day. This material can be accessed without a warrant by a very large number of government agencies—police and intelligence agencies but also the tax office, the health department, welfare services and so on. That is the prevailing situation at the moment; that is not the proposal that has been put to the joint committee.

Data of this kind is already kept by your phone company or your internet provider but a lot of it is simply jettisoned because of its enormous volume and the speed at which it accumulates. Such data as already exists is already being vacuumed up at an extraordinary rate by the agencies I have just mentioned: 243,631 in the 2010-11 financial year, none of it requiring a warrant, and none of it requiring judicial oversight or any accusation of criminal intent. I am sure that a fair number of these requests are used for tracking serious crimes; you just have to look at the number of anticorruption agencies that are involved in making these requests to understand that many of these requests will be in pursuit of serious criminal matters.

Compare that number, of just under a quarter of a million requests for traffic data,
to the applications for intercepts, traditional phone taps and stored communications warrants, over the same time period. For phone taps: just under 3,500, with seven knocked back. Compare it to stored communications warrants over the same time period—300 requests, with two knocked back. To get access to that material, what you would consider traditional wire taps, based on decades of accumulated legal protection supported by all sides of parliament and the general community, you require a magistrate to sign a warrant, you are required to identify who you are targeting and you need to be pursuing a serious crime, one with a minimum custodial sentence ranging from between three and seven years. But, for all the metadata or traffic data that describes your life in intimate detail, whole categories of material that did not even exist five or 10 years ago, there have been a quarter of a million of these requests, with no warrants, and no requirement to be pursuing any form of criminal activity; applied indiscriminately—a quarter of a million, across the Australian population.

So for those who will come in here shortly and say that surveillance powers need to be updated to keep track of technology, I will say right now, on the record: I agree with you. But of course I thought that was what we were doing with the 45 amendments to the Telecommunications (Interception and Access) Act since 2001 and the 25 times we have amended the ASIO Act since 2001. What about updates to privacy protections, in a country with no constitutional protections for privacy, no bill of rights? Where are the 45 amendments to privacy protections to also keep track of the way technology is changing? Think about how much of our lives is now transacted and conducted online and think about where this is going.

Let us face one question head-on, the one I am asked most often: 'I have nothing to hide, so why should I worry about my privacy being basically annihilated?' My question back is: 'Do you have curtains? Why? If you have nothing to hide, why hang curtains on your windows?' Well, because you deserve privacy, because privacy is part of the dignity of your person. Would you be fine to post online your credit card bills, or all your transaction records for the past two years? Are you okay to do that? Of course, you would not be. If you wished to, you are free to do so, but I would not advise it. It is not a question of you having something to hide; it is because your transaction records for the last two years are none of anybody's business. It is perfectly legitimate to say, 'I may have nothing to hide but I don't necessarily feel like showing you either.' That is your right to privacy.

The First UN Special Rapporteur on the Impact of Counter-terrorism Laws and Human Rights, Martin Scheinin, was in Australia about two weeks ago. His response to the question, 'I have nothing to hide, so why bother worrying?' was, 'What I'm buying my daughter for her birthday is a secret. It's my secret. I don't want to share it with her or with law enforcement agencies. It's perfectly innocent, but it's my secret.' I have some sympathy for that position, whether they are political views and 'feelinions', whether they are popular or unpopular, you should not be forced to disclose these things to a huge unannounced array of intelligence, security, police, welfare and tax agencies, to be mined indiscriminately and data-matched in case you turn out to be a criminal some time down the track.

The telecommunications industry has noted the serious cost impacts. They start at half a billion dollars a year and they only go up from there. The Pirate Party, in their submission to the joint committee, noted that one in two Germans had refrained from
seeking help from professionals such as marriage and drug abuse counsellors and psychotherapists by phone, mobile phone or email because of privacy concerns. These sorts of powers have the effect of freezing up these kinds of things. One in 13 people have refrained from using telecommunications because of data retentions in Germany, which put the number at about 6½ million people. In Germany, where studies showed that using data-mining techniques for predictive purposes was a failure, it was found to be unconstitutional, as it was in Romania and Slovakia, so these things are being repealed there. This is not a path that we should go down.

I think many Australians are concerned generally about where the line has been drawn under the terrorism laws brought in under the Howard government and never repealed. This is a part of something larger. The surveillance powers that are gradually creeping in, year on year, amendment by amendment, are part of something much larger. The Victorian Acting Privacy Commissioner spoke in no uncertain terms at a recent hearing when he said:

Since 2001 terrorism laws have stripped away many of the civil rights built up in the history of the common law, which are essential to maintaining a democracy …

The prohibition against torture, for example, was previously considered absolute. I want to know whether it is any longer. No, we can no longer say that that prohibition is considered absolute in free and democratic countries such as Australia, because it has been used, excused and instrumentalised, and as such it has taken a human rights framework in the international community back decades or longer. Senator Wright proposed an inquiry into the treatment of Australian citizen David Hicks in Guantanamo Bay where he was allegedly chemically tortured. This is one such example of the erosion under these terrorism powers.

I congratulate Australia's Attorney-General for at least referring these matters to the joint committee. Senator Brandis, who has joined us in the chamber, is on that committee. But we know that this proposal has been two years in the making, under secret talks with the industry—talks that, evidently, the Australian people were not trusted to be brought in on. Why should we then trust that this collected material will not be used and abused? Why should we trust that it will stay secure when, as recently as last week on the front page of the Sydney Morning Herald, we read about corrupt police using telecommunications intercepts to spy on honest police? This is unbelievable. I do not trust this government with these powers. I would not trust an Abbott government with these powers. And I would not trust a Greens government with powers such as these. These powers should be unconditionally condemned.

Senator BILYK (Tasmania) (16:16): I welcome today's matter of public importance debate on the right to privacy, because this is an important debate and I am extremely proud of this government's record on privacy reform. This is a topic I have had some experience with as chair of the Joint Select Committee on Cyber-Safety, as the committee explored extensively issues about privacy during our inquiry into the Cybercrime Legislation Amendment Bill.

What has always been apparent to me and, I am sure, to others in this place, is that digital technology is dramatically changing the landscape in regards to personal security, national security, crime and privacy. We need laws that keep up with this changing landscape, and having a decade-old Privacy Act just does not cut it. What the Australian Greens need to acknowledge, if they are
going to talk about the Gillard Labor government's record on privacy, is that it was this government that established the Office of the Australian Information Commissioner. It is also this Labor government which has initiated a process to consider whether Australia should introduce a statutory cause of action for serious invasions of privacy.

The point I am making here is that as a government we take privacy and the individual right to privacy very seriously. In fact, only yesterday the House of Representatives passed important government reforms to the Privacy Act to strengthen protection for consumers. The Privacy Amendment (Enhancing Privacy Protection) Bill provides stronger protections for the way organisations use our information. These reforms achieve a number of important things for consumers, including: clearer and tighter regulation of the use of personal information for direct marketing; an up-to-date and modern credit reporting system, making it easier for consumers to access and correct information held about them, including on their credit reports; a tightening of the rules on sending personal information outside Australia; and a higher standard of protection to be afforded to 'sensitive information'—which includes health related information, DNA and biometric data. Undertaking these important reforms to protect consumers can only be the action of a government that takes the privacy of its citizens very seriously.

While privacy is important and we are serious about protecting it, the individual right to privacy needs to be balanced against the government having the tools to protect its citizens from crime and threats to national security. The Attorney-General has commissioned a review of national security legislation, because she recognises that our security laws, as with our privacy laws, need to keep pace with current and emerging digital technology. The review has been referred to the Parliamentary Joint Committee on Intelligence and Security for inquiry and the committee has made some recommendations. I think it is important to recognise that as yet the government has made no decisions on the matters referred to the committee.

Despite this, groups like GetUp! have been running a very misleading campaign about the national security proposals. Before I respond to the misleading information that GetUp! has put into the public domain, I just want to point out that this government should be commended for proposing changes to national security legislation in an open, consultative process, not behind closed doors. To address the claims made by GetUp!: GetUp! claims that telecommunications companies and internet service providers will be required by law to store every message you send, every website you visit and every conversation you have for two years. The truth is that the police and ASIO can get access to metadata which includes information like the time an email is sent and who it is sent to. Their access to this metadata is subject to strict legal safeguards. Storing and obtaining access to metadata is not the same as getting access to the content of communications, yet this is what GetUp! is asserting. Contrary to the claims of GetUp!, the AFP and ASIO will not be able to find out what you said to your friend or colleague in an email, or what you just bought at an online store.

The review will consider whether or not metadata should have to be held for a certain period and for how long, in case it needs to be accessed by the law enforcement authorities. This information is very useful in fighting crime. At the moment, telecommunications companies have their own policies about how long they store this data. Some store it for two years, others
delete it. GetUp! has also claimed that ASIO will be able to demand your passwords to access your computer or Facebook account, and if you refuse you could go to jail. There is, in fact, no proposal for people to give up passwords. There are currently powers that allow law enforcement agencies to compel suspects to decrypt data. It is a fact that many serious criminals encrypt their data to evade law enforcement authorities, and that includes pedophiles.

As chair of the cybersafety committee, I know that one of the big criminal threats to children is that of child predators preying on children through online forums such as chat rooms. It is an unpleasant reality, but one we must confront and respond to. I know there would not be anyone in this place who would seriously suggest that we should not have the powers to try to stop these people hurting children, or to at least gather the evidence to arrest and convict them before they cause further harm.

The question the Attorney-General has asked the committee is whether the power to compel decryption of data should extend to live communications like chat rooms. These are sensible, balanced proposals, to which the government, as yet, has not conclusively responded, so I find it unfortunate that the Australian Greens have bought into GetUp!'s fear campaign. This campaign is based on a complete misrepresentation of what these proposals are about. As an example of the misrepresentation, this is what Senator Ludlam had to say in his media release in July this year:

This extreme proposal is based on the notion that all our personal data should be stored by service providers so that every move we make can be surveilled or recalled for later data mining. I think my explanation has made it clear that all our personal data will not be stored by internet service providers or telecommunications companies under these proposals. As I explained, it is only metadata and it is subject to strict safeguards.

But this is the kind of extreme characterisation of these proposals that the Greens are buying into. A more moderate voice would be that of Australia's Privacy Commissioner, Timothy Pilgrim, in the Office of the Australian Information Commissioner. The commissioner's submission included the following statement:

The OAIC welcomes the focus of the Inquiry on ensuring that the proposals it canvasses contain appropriate safeguards for protecting the human rights and privacy of individuals.

I refer Senator Ludlam to the terms of reference of the committee's inquiry, particularly term 3(a) which reads:

The Committee should have regard to whether the proposed responses:

(a) contain appropriate safeguards for protecting the human rights and privacy of individuals and are proportionate to any threat to national security and the security of the Australian private sector

Of course, Senator Ludlam has all sorts of campaigns going on about privacy rights in the digital environment. While I do not doubt Senator Ludlam is serious about his commitment to privacy, I believe that many of his concerns are misplaced. The internet has many dangerous areas, and contains material which is illegal to manufacture or possess. It is material that should not be trafficked, and this includes child sexual abuse imagery, bestiality, sexual violence, detailed instruction in crime, violence or drug use and/or material that advocates the doing of a terrorist act.

In his additional comments in the cyber-safety committee's inquiry into the Cybercrime Legislation Amendment Bill, Senator Ludlam raised a number of concerns, and I will not address all of them. As an example, Senator Ludlam complained that the bill did not specify protections for
political offences or offences where the death penalty may apply, but the committee recognised that these matters are covered by the Mutual Assistance in Criminal Matters Act.

When it comes to the latest issue—the proposals to change national security legislation—Senator Ludlam's comments have been completely represented, bearing in mind that the government has not made any decisions at this stage. The data that the government is seeking to have retained would only be used when needed, and only by law enforcement agencies to fight crime. Let us remember the example, which I think most of us know about, of the murder of John Newman in 1994. It was the call charge and mobile phone tower records which were crucial to solving that murder. But if we are going to have a debate about privacy and the rights of individuals then let us have a debate based on the actual facts, not the wild claims that the likes of the Greens and GetUp! wish to make.

Senator Ludlam, I reiterate: the data the government is seeking to have retained would only be used when needed and only by law enforcement agencies to fight crime. So if we are going to have the debate let us make it a debate based on fact and not wild claims and assertions that have been put together by the likes of GetUp! and the Greens.

The DEPUTY PRESIDENT: I remind senators to direct their remarks to the chair and not to senators across the chamber.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (16:26): I am delighted to join this discussion into government incursions into Australia's right to privacy and the freedom of the individual, though I find it a little surprising that the issue has been raised by the Greens. Nevertheless, I stand as a representative in this place of the only political party in the Senate which was established for the very purpose of defending and expanding the rights of the individual. As Mr Tony Abbott, the Leader of the Opposition, said in a very fine speech he gave to the Institute of Public Affairs in Sydney on 6 August, when speaking of the Liberal Party:

... we are the freedom party. We stand for the freedoms which Australians have a right to expect and which governments have a duty to uphold. We stand for freedom and will be freedom's bulwark …

That was the purpose for which the Liberal Party was created in 1944. It is the purpose that animates us today. It is the purpose that will animate us always.

I caution against the use of privacy as a Trojan Horse argument to conceal further invasions of the freedom of the individual rather than to protect it. We have seen that in this country within the last year or more when privacy has been used as a Trojan Horse argument to conceal attempts by this government to restrict freedom of speech and, in particular, freedom of the press. That began in the middle of last year when the Prime Minister, Ms Gillard, misleadingly referred to the Australian Law Reform Commission's 2008 report on privacy and made the false claim that that report contained grounds for restricting freedom of the press. In fact, when one examines the 2,694 pages of the Australian Law Reform Commission's report into privacy—this is an exercise on which no politicians or journalists cared to embark, apparently—one finds that only one of the 74 chapters of that very long report dealt with the question of journalistic abuses of privacy and found not that there were grounds to restrict freedom of the press but, in fact, recommended that the freedom of the press be extended by broadening the definition of media
organisation' in Australian law. That is an example of the misleading use of concern about privacy as an excuse to restrict freedom of speech and freedom of the press.

I referred a moment ago to Mr Tony Abbott's very inspiring speech to the Institute of Public Affairs on 6 August 2012 entitled 'Freedom Wars'. In the course of that speech, he said:

History's lesson is still that countries are stronger, as well as better, with democratic freedoms than without them.

Freedom of speech is not just an academic nicety but the essential pre-condition for any kind of progress.

That was Mr Abbott's view and in expressing that view he drew upon the deep commitment of the Liberal Party to the philosophy of freedom—freedom of speech, freedom of the individual and freedom of the press. What was the government's reaction?

The government's reaction could be seen two days later when the Attorney-General, Ms Nicola Roxon, was interviewed on ABC 774 by Rafael Epstein. She was asked about Mr Abbott's speech two days earlier in which he mounted a trenchant defence of freedom of speech and freedom of the press, and the Attorney-General said:

… we don't have the sort of obsession with free speech at any price or the right to carry arms, the sort of American view that these are rights that never have to be balanced with any other public good.

When I read that, I thought how extraordinary in this day and age that the Attorney-General of the Commonwealth of Australia should attack a political opponent for being obsessed with freedom of speech and with freedom of the press, and should compare his concern about freedom of speech with the American view of the right to bear arms. What an extraordinary proposition! It just goes to show how limited, how hopeless and how unenthusiastic is this government's commitment to a fundamental democratic right.

This is the government that in September last year commissioned Mr Ray Finkelstein QC to prepare a report, a copy of which I have with me, into independent media regulation in Australia. Mr Finkelstein's report recommended the creation of an Orwellian new structure, somewhat reminiscent of George Orwell's Ministry of Truth, called the News Media Council, to impose limitations on freedom of speech and freedom of the press. Mr Finkelstein said:

It could not be denied that whatever mechanism is chosen to ensure accountability speech will be restricted. In a sense, that is the purpose of the mechanism.

Do not let anybody be surprised that, when the government's response to the Finkelstein report is received, then there are new and additional burdens and impositions on freedom of speech embraced by this government.

What I find very alarming is the reasoning behind the Finkelstein report, for this is what its author writes in chapter 2, talking about the philosophical justification for freedom of the press:

Libertarian theory was developed in the period of the Enlightenment … The theory was informed by a liberal belief that truth would emerge from the clash of competing opinions, and by a belief in the 'self-righting' capacities of public debate—

Senator Ludlam: Mr Acting Deputy President, I rise on a point of order on relevance. Respectfully, through you, to Senator Brandis: I am genuinely interested in his views on the national security inquiry and call his attention to the subject of the motion that is before the chamber.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): There is no point of order.
Senator BRANDIS: The quote continues:

... to ensure that in rational and reasoned discourse, error would be vanquished. It was analogous to the free market theories of Adam Smith ... However, Libertarian theory was to prove inadequate in the face of the new forces created by the industrialisation of the press and by the realities of 19th and 20th century media economics ... On top of these economic and technological challenges to Libertarian theory, the intellectual climate of the 20th century was radically different from that of the 17th and 18th centuries, when Libertarian ideals flourished. The new intellectual climate placed higher store in collectivist, societal values and less on individualistic values.

There you have it, Mr Acting Deputy President, the rationale—the argument of the Finkelstein report is an anti-libertarian philosophy, a view that consigns the commitment to freedom of the press to the days of the Enlightenment. Mr Acting Deputy President, may I tell you I am something of a fan of the Enlightenment. I think that, after the experience of the 20th century, which saw the sacrifice of more human lives to the power of the state and on the pyre of ideology than in the entire course of history beforehand, the Enlightenment has a lot more useful things to teach us than Marx, Mao or Marcuse, or any of the other avatars of the new intellectual climate.

Let me conclude with the words of John Stuart Mill. Writing in 1859, he said:

The time, it is to be hoped, is gone by when any defence would be necessary of the 'liberty of the press' as one of the securities against corrupt or tyrannical government. No argument, we may suppose, can now be needed against permitting a legislature or an executive ... to prescribe doctrines or what arguments they shall be allowed to hear.

Astonishingly, four decades after Milton's Areopagitica, two decades after the newly born American republic adopted the First Amendment, we have to fight a fight in Australia today for a freedom which was so taken for granted in mid-Victorian England that Mill thought no argument was necessary to defend it.

Senator WRIGHT (South Australia) (16:37): I rise today to speak about the threat posed by existing and proposed government incursions into Australians' right to privacy and the freedom of the individual. Since 2001, with the 9/11 terrorist attacks, we have increasingly seen the erosion of the right to privacy in the fight against terrorism. Martin Scheinin, the first UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, recently described this erosion as 'the most drastic backlash in human rights protections since their emergence after World War II'.

Governments, including the Australian government, clearly have a duty to protect citizens from national security threats, and relevant law enforcement agencies should be provided with adequate powers to investigate, prevent and prosecute terrorist acts. There is no doubt that in this time the landscape within which international crime and terrorism occurs has changed considerably. Over the last 20 years we have seen massive advances in technology, communications and travel, and criminal networks have adapted accordingly. Our law enforcement agencies must be adequately equipped to effectively combat crime and terrorism in this new era.

The Greens do not deny that Australia faces a range of complex, dynamic and evolving security challenges and that we
need to be adequately equipped to respond to these challenges. But protecting citizens from terrorism does not necessitate denying them their human rights. Protecting the community from terrorism and protecting people's human rights are not mutually exclusive concepts. They are mutually compatible. Indeed, they must reside together. Otherwise we must question what it is that we are safeguarding and protecting.

As the Human Rights Law Centre has said:

… the objective of protecting human rights—such as the rights to life, liberty and security of person enshrined in the International Covenant on Civil and Political Rights (ICCPR)—is consistent with the objective of protecting Australian communities. Both objectives are fundamentally concerned with protecting the community and individuals from harm.

Since 2001, Australia has enacted over 50 new anti-terror laws that have substantially expanded the powers and functions of our security, intelligence and law enforcement agencies. Many advocates and human rights lawyers have criticised the reach of these laws, saying that they have gone too far in protecting against terrorism at the cost of human rights. Stakeholders have pointed to the lack of any comprehensive human rights framework in Australia, which has resulted in insufficient scrutiny of the impacts of these laws on the human rights of Australians over this time, including the right to privacy.

In the absence of comprehensive legal safeguards of privacy in Australia, and given the growing concern about the privacy implications of the development and use of new technologies, the Australian government should take action to ensure that its stated intention to 'respond to terrorism while upholding the rights and freedoms of all Australians' is a real commitment to achieve positive human rights outcomes for everyone and not just political rhetoric. In July 2012, the Commonwealth Attorney-General's Department released a new package of national security ideas, including proposals which would substantially increase both online and offline surveillance and monitoring. The Parliamentary Joint Committee on Intelligence and Security is currently considering these reforms to our national security legislation.

Many of the proposed changes to national security legislation raise concerns about their impact on Australia's international law obligations to respect, protect and fulfil human rights—in particular, the rights set out in the ICCPR, including the right to privacy. The right to privacy is protected under article 17 of the ICCPR, which provides that:

1. No one shall be subjected to arbitrary or unlawful interference with his—

and I should say 'his or her'—
privacy, family, home or correspondence, nor to unlawful attacks on his—
or her—
honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

In signing up to the ICCPR, Australia has agreed to take all necessary steps to respect, protect and fulfil human rights. This includes an obligation to ensure that laws and policies do not interfere with or breach the right to privacy.

Greg Barns, the former national president of the Australian Lawyers Alliance, has labelled these proposed reforms:

… the most significant grab for legislative power by security agencies in Australia since they took advantage of the hysterical political climate created by September 11 and the Bali bombings.

He said further:
If these proposals become law, the capacity of security agencies to spy on citizens, to bully telecommunications providers and to inflict violence on persons subjected to raids, will be significantly enhanced.

It seems that the government is neither fulfilling its promise to uphold human rights while protecting against terrorism nor fulfilling its obligations under international human rights law.

It is possible to protect the community against terrorism while also protecting individuals' human rights. As I said before, the two are not mutually exclusive. Many people talk about this as a balancing exercise. However, for too long the balance has been struck to the detriment of the individual. We must consider the inherent dignity and rights of the individual in Australia when we are making decisions and taking action to protect individuals and communities against terrorism. Human rights law asks us to consider human rights and, when we take action that is inconsistent with those rights, it requires us to double-check that what we are doing is fair and reasonable.

In doing so, we must ensure that action taken in the name of national security and national interest is both legitimate and necessary to achieve the purported aim. The action must also be proportionate. It must be appropriate, it must be the least intrusive means available to achieve the aim and it must be proportionate to the interests of the individual and community. This is what we need to be considering when we are looking at the proposed national security legislation reforms. We need to consider whether the right balance has been struck.

Senator Bilyk referred to the views of the Australian Privacy Commissioner, but I note that the Acting Victorian Privacy Commissioner, Anthony Bendall, has strongly criticised a number of the government's proposed changes as being wholly inappropriate. In relation to the proposal to allow law enforcement authorities access to an unrelated third party's computer on the way to obtaining evidence, he has said:

To access a third party's computer which has no connection with the target is extraordinarily broad and intrusive. These are powers usually characteristic of a police state.

It is interesting to note that, at the very moment that someone is extolling the virtue of striking the right balance between national security and personal liberty, they are almost always proposing a reduction in the latter.

The special rapporteur has highlighted that the right to privacy throughout the world has been eroded over recent times as a result of the global fight against terrorism and a renewed focus on strengthening national security protections. He has noted that: This erosion takes place through the use of surveillance powers and new technologies, which are used without adequate legal safeguards. States have endangered the protection of the right to privacy by not extending pre-existing safeguards in their cooperation with third countries and private actors. These measures have not only led to violations of the right to privacy, but also have an impact on due process rights and the freedom of movement … and can have a chilling effect on the freedom of association and the freedom of expression.

Without a rigorous set of legal safeguards and a means to measure the necessity, proportionality and reasonableness of the interference, States have no guidance on minimizing the risks to privacy generated by their new policies.

As we consider the new national security legislative changes in this parliament, we need to look at them within the frame of the concerns outlined by the special rapporteur.

We also need to consider our privacy laws more broadly and the weak protections that they currently provide with respect to human
rights. If the government is insistent on implementing further national security changes, it should also consider strengthening privacy laws so that, if there are breaches of privacy which are not reasonable, or proportionate or justified, by ASIO, for example, an individual has an enforceable right to compensation.

**Senator STEPHENS** (New South Wales) (16:46): This is a very interesting and timely debate, and in my contribution I would like to focus on where personal responsibilities lie in terms of the Australian Greens proposition that existing and proposed government efforts threaten Australia's rights to privacy and freedom of the individual. As I say, it is a very timely debate. This week the Melbourne Age is featuring the privacy issue, canvassing some of the issues raised in the submissions to the Parliamentary Joint Committee on Intelligence and Security's inquiry. As a member of the inquiry I want to make a few comments—although I note that Senator Bilyk did respond to much of the misinformation that is around about the considerations before the committee at the moment. It is a healthy debate and one that I really welcome. The events of this week and last, triggered by that miserable, low-budget, moronic video, *The innocence of Muslims*, frames the debate today in a very interesting way. I think we would be talking about a different issue if this had not occurred.

What we have here is a series of events that go to the heart of the concerns being expressed in some of the submissions. To provide a bit of context, let me backtrack. In May 2008, the Australian Law Reform Commission concluded its inquiry of more than two years into the effectiveness of the Privacy Act 1988 and made significant recommendations—295 recommendations—for reform in a range of areas, including telecommunications, credit reporting information, health records, and privacy protections generally. As Senator Bilyk outlined, the government has responded significantly this week with the bill that has just passed through the House and will be here soon.

One of the ALRC's recommendations was that the most serious invasions of privacy could best be addressed through the introduction of a statutory cause of action for privacy. The Victorian and New South Wales law reform commissions have also recommended a statutory cause of action for privacy. The considerations that have occurred since that time have been around that fundamental question. I would suggest that we cannot simply consider whether action is desirable without also working out how best to do it.

As Senator Ludlam posed the question in his opening comments in this debate and Senator Bilyk also responded in terms of some of the issues raised in the security inquiry, I do not want to go into too much depth about the range of suggestions being tested in the Attorney General's Department's consultation paper, except to say that the overwhelming concerns expressed by submitters to date have been around the protections of privacy. Those submissions are on the committee's website and are there for most to see. There are some protected submissions which contain details of national security, but most of the submissions are there and are a very honest attempt to actually deal with the complexity of balancing national security and national interests, and issues of encryption and storing data.

On the issue of the data retention myth that is being perpetuated, it is true that the existing Telecommunications (Interception and Access) Act allows the police and ASIO to access what is called metadata. Metadata includes things like the time an email is sent...
and who it is sent to. They do not have the power to actually access the content.

Senator Ludlam: And location.

Senator STEPHENS: And location. That is already the law. It is important for fighting crime and it is subject to strong legal safeguards.

I do not want to pre-empt where the committee's recommendations might fall—and I noted that Senator Ludlam was monitoring the proceedings last Friday and I hope he will continue to do so because it is important that people think very carefully about what is going on. But for me the issue is how developments in technology mean that it is so much harder for individuals to take steps to protect their own privacy—and I come back to the issue of personal responsibility.

Technology features everywhere in our lives now. There is satnav in our cars, pay TV, BPAY, eBay, e-tags—it is everywhere. We do our best to protect our privacy and that of our families, almost without thinking about it. We change our passwords regularly—don't we? We cover our pin at the ATM. We store our personal information safely. We have passwords on our phones, computers and blogs. Thankfully, simple actions are usually enough and serious invasions of privacy are infrequent.

Technology has fundamentally changed the way we work, how we bank, how we shop, how we engage with government and the way we relate to friends, family and of course people we have never even met—or never will meet. New technology provides new opportunities, but it also provides us with many, many new challenges—one of which is whether the laws relating to privacy have kept pace with these changes.

Senator Ludlam just showed me his phone. Smartphones allow us to take and instantly share photographs—without the knowledge or consent of the subject, by the way. We have seen examples of how a private email or a thoughtless tweet has been forwarded to thousands of people around the world—and this week, of course, unfortunately, we saw that YouTube video going viral. Facebook sites can be hacked and personal details can be mined. Cloud computing offers great potential but its security must be assured. The high-profile privacy breaches reported in the media are often a result of new and emerging technological capabilities.

Every day, technology is becoming more affordable and more accessible. Australia has one of the highest rates of mobile phone ownership in the world. Around a third of children between the ages of five and 14 have access to their own mobile phone, which is an incredible statistic. We are enamoured of the new and improved features on our mobile phones, and their unobtrusiveness and prevalence mean that it is possible for people to be photographed or recorded, without their knowledge, almost anywhere. We are connected to the internet at home and at work. At the end of 2010 there were more than 10 million internet connections and unknown numbers of people at the end of those connections. We are demanding faster internet connections for increased delivery of health, education, and government services online, so the take-up speeds are extraordinary.

Last week in the hearing of the intelligence and security committee we heard evidence of exponential growth in data downloads predicted in the new few years. I note that the Australian Privacy Foundation has suggested that the government has failed to tell people how much of their personal information is being collected and therefore has created a honeypot of data that is open to potential abuse. I have to say that the government is very alert to these concerns,
and I would argue that the government is the most attentive player in meeting its obligations to protect the privacy of its citizens.

Senator Bilyk has talked about the reforms to the Privacy Commission, but I just want to remind people that the pervasiveness of digital technologies has made the landscape for the preservation of individuals' privacy more complicated. If any of you were to open your wallet, I know what you would have. You would probably have a flybuys card, frequent flyers card, store loyalty cards and stored value cards. You need to know that you are sharing information that you might not be aware of in terms of valuable information about your shopping habits. Woolworths has 6.5 million reward card members swiping their cards regularly. Coles has about five million. Consumer cards are a way of linking personal information with shopping behaviour, and the datasets are incredibly rich.

I want to conclude where I began, with the abhorrent behaviour we witnessed in Sydney on the weekend. The main perpetrators have been identified and arrested for inciting violence and damaging vehicles, and they were identified through widely available technologies: the face recognition capabilities of Facebook; the interception and tracing of text messages, Twitter and instant messaging; and footage from closed-circuit cameras in Sydney's CBD. Frankly, I am glad they were. I would rather it be that way—that people are made accountable for their actions. But governments of all persuasions—and potentially, one day, as Senator Ludlam suggested, perhaps even a Greens government—have an obligation to protect the rights of citizens and to ensure that any legislation balances personal rights and responsibilities. 'Proportionality' is the word that Senator Wright used. This debate does not allow me time to talk about the Parliamentary Joint Committee on Human Rights, but privacy is critical to that committee too. (Time expired)

Senator MASON (Queensland) (16:56): A troublemaker said to me earlier, 'Brett, you'll enjoy the discussion this afternoon because it is a bit esoteric.' It may seem esoteric but, in fact, as Senator Ludlam said, it is actually fundamental. It goes to fundamental issues about the relationship between the individual and the state and about the quest for individual autonomy versus the impulse for community. One might ask: how important is that? It is absolutely critical. The great British philosopher Sir Isaiah Berlin said this: 'These—that is, the quest for individual autonomy versus the impulse for community—are the two cardinal ideas that have faced one another and dominated the world since the Renaissance.' So we are not talking about a minor issue. We are talking about the role and the relationship of the individual with the state over the last 500 or 600 years.

If you think that is a bit esoteric, can I just draw on popular culture for a second. I watch The West Wing. I hate to say that I am somewhat of a West Wing tragic. Not so long ago, towards the end of The West Wing, Sam told Toby and the President that privacy was going to be the big issue of the next decade. He said: 'In the 1920s and the 1930s it was the role of government. In the 1950s and the 1960s it was civil rights. In the next 20 years it will be about privacy: the internet, cell phones, health records, and who is gay and who is not. Besides, in a country born on the will to be free, what could be more fundamental than this?' Of course, he is right. That was said before the rise of Google and Facebook, so that has made the argument even more so. The power of the internet, the use of social media, the technological revolution and the promiscuous exchange of
information have all given rise to a fear of a surveillance society.

Senators may have read Nineteen Eighty-Four—I did many years ago—and they may have been disturbed by Orwell's dystopian technological vision. I was. In this debate, that is the nightmare—something like that. I am glad that the Greens recognise that the greatest threat to liberty is the government, ultimately. Ultimately it is the state.

A long time ago, when I gave my first speech in this place, I quoted the great British historian Paul Johnson, who wrote—and we should never, ever forget this:

The destructive capacity of the individual, however vicious, is small; of the state, however well-intentioned, almost limitless.

Let us never, ever forget that. We hope on this side that Labor and the Greens, particularly the Left in Australian politics, appreciate that fact. Ultimately—and I agree with Senator Ludlam and certainly Senator Stephens' eloquent contribution—the tension between an individual's privacy and the security of the state and its citizens is a matter of balance. I think most senators would agree that it is always a matter of balance. Sure, no-one wants a surveillance society. No-one wants a surveillance state. But neither do we want terrorists to act with impunity. None of us wants that. An examination of an individual based on reasonable suspicion is generally fine. If there is reasonable suspicion about an individual then I think even Senator Ludlam would say: 'That's okay. Police can then act.' I think that is fair enough. But, in effect, driftnet fishing for information through the internet and elsewhere is far, far more problematic, because then of course there is the potential for governments to use that to look at people whom they might see as being, let us say, a dissident or undesirable or someone who cannot be trusted or who may be a deviant. So it becomes highly problematic when there is driftnet fishing. If there is reasonable suspicion—sure. But I am not quite convinced of driftnet fishing at all.

We talk about emails. They can be stored. They can be opened. I recognise that. Technology has made that much easier. Yet we would have been outraged 30 or 40 years ago if all our mail—what we now call our 'snail mail'—was opened by the state; stored and then opened. No-one would countenance that. In fact, it is an offence to open Royal mail or Australian mail without a warrant. We would all be outraged if that happened. Yet now some make the suggestion that it is okay because they are just emails, you can store, hold and analyse emails, and that might be okay. Well, I am not so sure. Again, if there is a reasonable suspicion and a warrant then that is different. I understand that. But when it comes to harvesting millions, perhaps even billions, of communications across the globe, storing them, opening them when appropriate, the balance lies with the state to show that that is strictly necessary. It must prove why it needs that information. The individual does not need to prove it. The state must.

On balance, I think it is fair to say that in this nation we have got the laws against terrorism more or less right. I am not saying they are perfect; I am not suggesting that. But I do remember during the Howard government years that Senator Payne was often the chair of the legal and constitutional committee. She did a terrific job, often sparring with ministers and, who knows, potentially the Prime Minister, to come to some balance between the rights of the individual and the state. Let us face it: it is a very, very difficult balance. But I think generally she served our nation proud. I know that Senator Brandis had something to do with that as well. It is a terribly difficult balance. No-one would ever say that it was perfect, but in fact I think she found a better
balance than the original legislation had prescribed—so a bouquet to Senator Payne.

The coalition is the principle legatee in this place of liberal democracy. I have always been suspicious—even though I am always generous, as you know, Acting Deputy President Fawcett—of Labor and the Greens on anything to do with the rights of individuals against the state. My friend Senator McLucas has left the chamber but from the time of my first speech, 12 years ago, to now I have often spoken about the failure of the Left in Australian democratic politics in the 20th century to really bring the far Left and communism. The greatest failing of the Left in the 20th century was their romanticism of communism.

Senator Farrell: You wouldn't know a communist if you fell over them.

Senator MASON: I do, Don. If you knew my family background you would know that. We can discuss that later.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! Senator Mason, I remind you to address your remarks through the chair.

Senator MASON: That is the greatest failing of the Left. Don, it is not necessarily the Left of the Labor Party. I am talking about the Left, if you understand what I am saying.

The ACTING DEPUTY PRESIDENT: Order! Senator Mason, I remind you to address your remarks through the chair. Senator Farrell, I remind you that senators have the right to be heard in silence.

Senator MASON: So I am not suggesting for a second that what Senator Ludlam said was wrong. I am a sceptic, and I always need to be convinced. That is where I am coming from. In the end, it is the Liberal Party that is the legatee of liberal democracy. Ultimately, it is liberalism that protects individual rights in this country, as it has in the Western world since the Renaissance. Ultimately, the Liberal Party, with its liberalism and with its scepticism of the state, its scepticism of state power and its understanding of state power—the fact that it appreciates what the state can do to the individual—makes the Liberal Party a far better agency to determine balance than the Left in Australian politics.

When we finally arrive at a balance in this parliament, I can at least assure Senator Ludlam—and he is quite right to put this to the coalition—that it is an issue about the relationship of the state and its citizens, and the Liberal Party in particular cannot escape that debate and, in fact, it would have to be central to its resolution.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! The time for consideration of the matter of public importance has expired.

DOCUMENTS

Chronic Disease Dental Scheme

Tabling

The ACTING DEPUTY PRESIDENT (Senator Fawcett) (17:06): I present a response from the Minister for Human Services to a resolution of the Senate of 21 March 2012 concerning the Chronic Disease Dental Scheme.

Senator FIERRAVANTI-WELLS (New South Wales) (17:06): by leave—I move:

That the Senate take note of the document.

I want to make some comments, if I may, in relation to this response. I suspect that the minister in his response is basically going to be very critical of the Chronic Disease Dental Scheme. Despite its assistance to so many thousands of people who have been suffering persistent and complex dental conditions, this is a scheme that the Labor
government has been trying to shut down ever since it came to power. Its first attempt was back in May. A legislative instrument failed and the Senate did not vote for disallowance of the determination. Another attempt was made thereafter. When they could not achieve the change legislatively, they tried a different tack. They decided to embark on what can only be described as a disgraceful campaign aimed at discrediting the scheme.

The scheme has been very successful, as I have said, but the government, aided and abetted by their Green alliance partners, will close the scheme on 30 November. No new services will be provided after 7 September. It has been an enormous success and I want to take the Senate to that in a moment. It has been the only dental scheme that has provided treatment for adults. It has provided $4,250 in Medicare dental benefits over two years for eligible patients with a chronic health condition. We have seen approximately 20 million services provided since 2007 to over one million patients. It is so typical of those opposite: they have deliberately gone out of their way to try and dismantle this program. Why? Because it was established by Tony Abbott as the health minister. Therefore, it has been a success. Like for many other things, Minister Roxon and now Minister Plibersek, because this was a Tony Abbott initiative when he was health minister, say, 'Let's just shut it down.'

Let us look at some of the furphies that those opposite have been peddling, apart from the pursuit of dentists. I will come to that; that was part of the Senate inquiry. Despite claims of supposed blowouts in the scheme, the average claim per patient, according to Department of Health and Ageing figures, is actually $1,716, well below the allowable $4,250. Indeed, some more recent estimates suggest that the average cost per patient has fallen to below $1,200 per patient. I reiterate and put on the record once again that the coalition did offer to work with the previous health minister to refine and improve the scheme and look at ways that we could make it better, including looking at processes where we could provide high-cost items, such as crowns and bridges, and of course this was rejected.

It is reported that about 80 per cent of the services under the Chronic Disease Dental Scheme have been provided to concession card holders, and a high percentage of those are older Australians. It should be noted that Medicare is a universal scheme that all Australians pay for through the Medicare levy and the taxation system, but the evidence suggests that the dental services have been predominantly utilised by low-income Australians. So we have those opposite—indeed, as recently as this week—purveying the furphy that somehow it is about millionaires. It is not about millionaires. On their own statistics, low-income concession holders have been the beneficiaries of this scheme. Many of these people would otherwise have been forced to go without treatment or would add to the already 650,000 people on the public dental waiting list.

What happens after 30 November? It simply shuts down. Many people will not be able to afford the full cost of private treatment, and, like most of the things that those opposite are promising, the new scheme is not going to start until well into 2014. What happens to those patients? As I said, many of them are concession card holders and are in the middle of very complex treatment. Are they going to have to pay for the rest of their treatment themselves? We already know that many of them do not have the funds to be able to do that.
In the remaining time, let me make some observations. I have to say that, during the inquiry that was undertaken to review the private member's bill put up by Senator Bushby in this place and by Mr Peter Dutton in the other place, we really did see the length to which the government was prepared to go to dismantle this scheme. The bill that Senator Bushby introduced into this place sought to redress an injustice. Indeed, this response follows the motion that Senator Di Natale put up on 21 March.

Having said that, it was very clear that there was an attempt to denigrate the scheme. Very clearly the evidence that was given demonstrated that the audit process not only caused inordinate delays, particularly in relation to the communication of outcomes; the distress caused to patients and families and the undermining of reputations of dentists was absolutely appalling. The Australian Dental Prosthetists Association made some observations. I will not go to all their evidence but they made the observation that their members were left in limbo, with the fear of possible financial ruin. One submitter indicated that family members of deceased patients were contacted as part of the audit. That was the extreme length to which the government was prepared to go to discredit the scheme.

The issues revolved around a series of very minor oversights by dentists, where they had failed to comply with minor issues, and it was very clear from the evidence that many dentists had never been involved in a Medicare-like system. This was the first time they had been involved and so there was a lot of evidence given that clearly demonstrated that there were innocent oversights; yet, somehow, that was perpetrated as some grand fraud on the Commonwealth. I say to those opposite, having gone through this whole debacle, through the Senate processes and what we are now seeing—because of course we are now having many people contacting their local members as a consequence of this shutdown—I think you are going to find it very difficult to get dentists. It will be once bitten, twice shy after the way that many of them were treated so appallingly by the government as a consequence of this process. In my view, you will not be able to meet the promises you are making today about your new scheme.

**Senator DI NATALE** (Victoria) (17:17): I also wish to speak on the response to the resolution of the Senate by Senator Kim Carr. I think it is important to perhaps separate some of the issues that have been discussed here this evening. The first point is the question that relates to the audits of the Chronic Disease Dental Scheme. It is critical that we understand that the Greens and the coalition together both expressed concerns at the way that the CDDS was audited. In fact, we worked together on this issue through the Senate estimates process and in a range of other ways. We agree with the opposition. We felt that a number of dentists were targeted who had provided treatment in good faith, who had ensured that people who would otherwise not have been able to afford dental treatment were offered that treatment, but they were caught up in a tangled web of paperwork and bureaucratic requirements that were quite arduous and unlike any other Medicare process. We agree with the opposition that something should be done about it. In fact, we have worked with the government to ensure that there is a resolution to that issue and we remain confident that the government has acknowledged that there were problems in the way those audits were done and that many innocent dentists were caught up in that audit process. We hope that issue will be resolved.

The Chronic Disease Dental Scheme requires some explanation. On one hand the
scheme was described by the Minister for Health as the worst example of public policy that she has ever seen; on the other hand, we hear that the opposition believe it was a perfect scheme. I have not heard any criticism of the scheme from the opposition in terms of the way the scheme operated, and they have had very little constructive to say on how it could be improved. I think the truth lies somewhere in between those points of view. The Chronic Disease Dental Scheme did provide treatment to some people who would otherwise not have been able to afford it. That is a good thing. It did, however, have some serious structural flaws. We had an issue where people were required to go to their GP, and that GP was then required to ensure that an appropriate referral was made to a dentist. Many of the dentists who were involved in the scheme were unaware of what was required from them in terms of responding to the GP in providing written quotes and so on, so there were some serious administrative problems with the scheme.

There was also an issue around equity. We had one scheme operating in dental care which was very generous, which provided over $4,000 worth of treatment over the course of two years, and we had a scheme that was not means-tested. What that meant was that there were people, many of whom would otherwise have been able to afford dental treatment, getting very expensive dental treatment and there were many others in the community who simply could not afford dental treatment who were missing out. Some people who were missing out could not afford to get a filling while people at the other end of the spectrum were able to get things like crowns, bridges and implants done. So that was a serious inequity, and we recognised that. We were willing to entertain a reform of the CDDS so that we modified it and put some restrictions around the scope of service to ensure that it was means-tested and to abolish the onerous referral requirements. The government was not keen on that change. It wanted to see the scheme scrapped, and in its place they wanted to see the foundations laid for genuine Medicare funded dentistry, beginning with children but also ensuring that people who are covered by the scheme were still able to access treatment through the public dental service.

So the package that was negotiated was a package that essentially will lay the framework for Medicare funded dentistry, starting with children. That is a huge win. It is something we are very proud of. It means that we are going to see $2.7 billion invested in Medicare funded dentistry for kids. There are 3½ million kids who will now be able to go to the dentist in the same way as they go to the doctor.

We saw over $1 billion invested in state and public dental services. It is true that there is a gap between that funding stream and the abolition of the CDDS. That was a case of the Greens not getting everything we wanted and being forced to compromise, which we did. We compromised because we knew that what would be rolled out through the National Dental Scheme is something we can build on. It is something that means that, over time, all Australians will get access to Medicare funded dentistry. That is an important policy priority for the Greens. It is something that we think has to be pursued by both sides of politics.

We know that we are in a country that, while it does very well in terms of its overall health outcomes, when it comes to dental health does poorly. We do poorly because we have a situation where people who need dental care simply cannot afford it. By laying the platform for Medicare funded dentistry so that kids get access to care in the way that ensures that it is essentially funded through
the Medicare system, we lay the foundations for what ultimately we hope will be Medicare funded dentistry for all Australians.

In the interim, those people who have a chronic disease and are a concession card holder will be able to access treatment through the state public dental system, although I do acknowledge that the increase of investment in the state public dental system will take some time to roll out. But, as I said, that was a question of compromise. The government was not willing to entertain the notion of any changes to the CDDS. They wanted to see its abolition and they wanted to see the start of a new scheme in its place. We came to that negotiation in good faith and ultimately that is the outcome that we have agreed on—a outcome that I think we can all be very, very proud of.

What is important to note is that over time we would like to see all Australians being able to access dental care in a way that current patients of the CDDS can do—that is, through their dentist, and ensuring that there is an entitlement that allows at the very least important preventative dental treatment to occur.

Ultimately this scheme will be judged by what rolls out over the next few years. I am very, very confident that, once young children start going to the dentist—and let us not forget that we have got a situation where the oral health of young kids is declining—all health will improve. One of the real concerns is that we have seen a decline in the oral health of some young children, and that is something that will impose a huge costs on the health system down the track. So prioritising our kids is a good, sensible investment. It is the right place to start. I do acknowledge that the space between the new dental scheme operating and the abolition of the Chronic Disease Dental Scheme is one where we would have liked to have seen that gap narrowed. But in totality I am pleased with the outcome that we have managed to secure.

I know that some people will be disappointed—those people who are receiving treatment under the Chronic Disease Dental Scheme—but what has been interesting is that through all the correspondence that we have had with people, when we discuss what is actually going to start from 1 July 2014—Medicare funded dentistry for young kids; a huge boost to state public dental, over $1 billion; a quarter of a billion dollars for regional and rural dental services infrastructure and so on; an increase in training; relocation packages to move to regional and rural areas—people generally accept that what we have got is much better than the status quo. It is for that reason that the Greens were very happy to be able to announce that package with the government several weeks ago.

Senator EDWARDS (South Australia) (17:27): I seek leave to continue my remarks.

Leave granted; debate adjourned.

COMMITTEES

Public Works Committee

Report


Ordered that the report be printed.

Corporations and Financial Services Committee

Corrigenda to Report

Senator BOYCE (Queensland) (17:27): On behalf of the chair of Parliamentary Joint Committee on Corporations and Financial Services, I present a corrigenda to the report
of the Parliamentary Joint Committee on Corporations and Financial Services on the Australian Charities and Not-for-profits Commission Bill 2012 and related bills.

Ordered that the document be printed.

Senator BOYCE: I seek leave to continue my remarks.

Leave granted.

Senator BOYCE: The Parliamentary Joint Committee on Corporations and Financial Services reported on the suite of Australian Charities and Not-for-profits Commission bills on 10 September. I am deputy chair of the committee. It is very rare that a corrigenda is presented to reports in this place, and I must acknowledge the very diligent work of the secretariat of the Joint Committee on Corporations and Financial Services in preparing this report.

The blame for any need to correct anything in this report can be fairly and squarely placed at the government's feet. The correction relates to World Vision's views on the provisions in the bill aimed at combating terrorism and money laundering. World Vision pointed out that their comments related to the external conduct provisions in the proposed commission bill, not the paragraphs and provisions in the tax laws amendment bill associated with the draft.

World Vision are not the only people who are finding this legislation very complex and very confusing. The government seems to be doing it too. It is an area that has been inquired into almost to death. There have been different inquiries into not-for-profits going on for well over eight years, but it will come as no surprise to people that the government still has not got it right. It moved the legislation, despite having amendments suggested by its own House of Reps committee. Its own government majority House of Reps committee suggested that there should be amendments made to the legislation in the House of Reps. The government blindly went ahead and put it through, but we already know that there will be a significant number of amendments brought to the Senate when this legislation gets here.

We also know that there have already been 90 staff appointed or sought to run the Australian Charities and Not-for-profits Commission, despite the fact that the legislation has not gone through and despite the fact that the Attorney-General's Department assured us in a number of committee hearings that the commission would be a very lean organisation and that, in fact, all of the backroom services would be provided by the Attorney-General's Department. This just strikes me as bizarre given the fact that we already know of 90 staff who will be working there.

The preamble to the bill says:

It is important that a national regulatory system that promotes good governance, accountability and transparency for not-for-profit entities [so that it can] maintain, protect and enhance public trust and confidence in the not-for-profit sector.

The coalition certainly agree that that is an extremely good aim. We would ask: where is the system currently broken? Coalition members of the committee do not accept that the current Commonwealth regulatory regime based on the activities of the Australian Securities and Investment Commission and the Australian Taxation Office is broken. We do not accept the premise for this new regulatory megastructure.

The claims that the reform will reduce the regulatory burden faced by the sector are unpersuasive. The government would have us believe that there will be a great reduction in red tape, but the only organisations that will initially come under the commission are those that are already overseen by the
Australian tax office. The government is yet
to negotiate any sort of agreement with the
states and territories, who have the oversight
of the vast majority of charities and not-for-
profit organisations in Australia. Clearly,
until this happens there can be no guarantees
whatsoever of any reduction in red tape.

Firstly, this adds a layer of
Commonwealth regulation to many charities
and not-for-profits that are regulated by the
state and territory governments and there is
no agreement at all for the states and
territories to get out of this field. Secondly,
even at the Commonwealth level alone we
doubt that it will reduce red tape. It could be
plausible that the ACNC will be a one-stop
shop and other agencies could make grants to
charities registered with the ACNC, relying
on information already provided to the
ACNC, but in practice this is highly unlikely
because of the difficulty involved. It would
be a remarkable change in bureaucratic
behaviour to give up being the organisation
that called for a report, even though the
organisation in question, at federal level,
may have already reported to the ACNC. We
can look at dozens and dozens of areas
where we can see that that just simply does
not happen.

The representatives of long-established,
large, reputable organisations have told the
inquiry about their concerns that the promise
of red-tape reduction will not be delivered.
Father Brian Lucas of the Catholic Church
told the committee:

Much has been said about the need for
reduction of red tape. That was very much the
rationale that led a number of the various
government inquiries to recommend a national
regulator. You will have heard, I am sure, that
there is still concern in many sectors that
particular legislation that we are now dealing with
does not bring about the reduction of red tape that
was envisaged.

So what does the government's ACNC and
related bills do? If it cannot deliver in this
area, what is the use of it?

We on this side of the house will not
support the creation of another regulatory
body that will add to the red-tape burden for
charitable organisations and that will, in
most cases, simply duplicate what is out
there for the states and territories. There was
a suggestion made by witnesses from the
Attorney-General's Department that this
would all be done and dusted by February or
March next year through the COAG process.
I am sorry, but that is five months. I have no
recollection whatsoever of COAG dealing
with any suggestions put to it other than at a
glacial pace, and I do not think this one is
going to set any new speed records.

Several witnesses during our inquiry
hearings also pointed out that the bills
unnecessarily duplicate existing laws in key
areas. There was a concern that the smaller
charities that rely on the active participation
of volunteers will be overcome by the
approach that the package of the bill adopts.
And there continue to be concerns from a
number of areas—including directors such as
Mr David Gonski—about what is going to be
required of volunteer directors working in
the not-for-profit sector.

I think we all know how difficult it can be
to find people prepared with the
time, energy and enthusiasm to serve on not-
for-profit boards so to create barriers that
will in some cases have the potential to make
directors of not-for-profits more liable than
directors of companies registered and
controlled under ASIC is, to my mind, just
ludicrous. If we had had strings of failures,
fraud and embezzlement et cetera occurring
in not-for-profits, fine—but we have not.
There is virtually no evidence that there have
been problems in the way it has all been
functioning. Certainly red tape reduction is
something everybody wants but this legislation, these bills, will not achieve it. We want to encourage volunteers and we want a not-for-profit sector that is strong and effective.

We do not support the passage of these bills. As I said earlier, the corrigenda is simply a symptom of this government's to-ing and fro-ing on this legislation, which is complex but is being made even more complex and more confusing by the fact that the government cannot decide how exactly they want to proceed. Indeed, the real effect will not be to reduce red tape and there will be an additional costly compliance regime, and the sector already faces enough red tape. I seek leave to continue my remarks later.

Leave granted.

Debate adjourned.

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.

COMMITTEES
Electricity Prices Committee
Membership

The ACTING DEPUTY PRESIDENT (Senator Crossin) (17:39): Order! The President has received a letter from a party leader requesting a change in the membership of a committee.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (17:39): by leave—I move:

That Senator Ludlam be appointed as a participating member of the Select Committee on Electricity Prices.

Question agreed to.

BILLS
Privacy Amendment (Enhancing Privacy Protection) Bill 2012
First Reading

Bill received from the House of Representatives.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (17:40): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (17:40): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—
PRIVACY AMENDMENT (ENHANCING PRIVACY PROTECTION) BILL 2012

The Privacy Amendment (Enhancing Privacy Protection) Bill 2012 is one of the most significant developments in privacy reform since Labor introduced the Act in 1988.

With this Bill, the Gillard Labor Government has implemented more than half of the Australian Law Reform Commission's recommendations in the 2008 "For Your Information" Report.

This Bill will bring Australia's privacy protection framework into the modern era. Labor is protecting the privacy of working families.

In an online world, we are increasingly sharing our personal information on social networking sites and paying our bills and buying footy tickets over the internet.

While these technological changes bring immense benefits to working families—there are
risks. That's why Labor is tightening up the rules around how companies and organisations can collect, use and disclose personal information.

For the first time, new Australian Privacy Principles will apply to both the private and public sectors. The Principles will continue to deal with the collection, storage, security, use, disclosure, access and correction of personal information.

But we are introducing a new Privacy Principle for direct marketing and stronger protections for consumers when companies disclose personal information overseas. The new Direct Marketing Privacy Principle will more tightly regulate the use of personal information for direct marketing.

Put simply, it will give working families more power to opt out of receiving direct marketing materials. The onus will be on companies to provide a clear and simple way of opting out of receiving direct marketing materials.

Labor is also extending privacy protections to unsolicited information and introducing stronger and clearer rules around data quality and data correction.

There will be a new requirement in the Privacy Principles for organisations and companies to develop detailed privacy policies—and make them clear and easily accessible to consumers. Labor is shifting power away from big companies—back to working families.

There will be stricter rules about sending a families' personal information outside of Australia. Specifically, privacy policies will need to include whether a company or agency is likely to disclose information to overseas recipients, and if so, which countries the information is likely to go to.

In addition, before a company or government agency discloses personal information to an overseas recipient, the company must take reasonable steps to make sure the overseas recipient does not breach the Australian Privacy Principles. Privacy entities will continue to be accountable for information that is sent overseas.

The Australian Privacy Principles will also require a higher standard of protection to be afforded to "sensitive information"—which includes health related information, DNA and biometric data.

The Government is aware that Senators and Members receive numerous letters and emails about credit reports. Australia's complex and often confusing credit reporting system is being reformed.

In addition to the Gillard Government's responsible lending reforms in the National Consumer Credit Protection Act (2009), we are making it easier for consumers to access and correct their personal credit information.

It is the first major reform since Labor introduced credit reporting in 1990. This Bill modernises credit reporting provisions and will make the credit reporting regime more flexible and less prescriptive by emphasising industry-led complaint resolution.

Banks and financial institutions will be able to see more accurate and positive information about:

1. the types of accounts that families have and when they were opened and closed;
2. the current credit limits of each account (but obviously not the day to day balance, to protect privacy); and
3. positive information about repayment history. For example, when a credit card was paid off on time, not just information about overdue payments.

These reforms will mean more families can access credit. And it will mean the banks can assess credit risks more accurately.

These reforms will be good for business. The finance and credit industry have been heavily involved in developing these reforms. They know—as does this Labor Government—that these reforms will enhance responsible lending in Australia.

It was Labor who supported Australia's economy through the Global Financial Crisis. We supported small business and created three quarters of a million jobs.

These reforms will give the Australian finance and credit industry more information—with the appropriate privacy protections—so that they can make more accurate risk assessments. More information—which will need to be more up to
date and accurate under this Bill—will assist both consumers and the credit reporting industry.

It is expected that these reforms will lead to decreased levels of over indebtedness and then lower credit default rates.

For Australian businesses and the credit industry more comprehensive credit reporting will enable better management of capital and growth targets, improve credit decisions and enhance the effectiveness of how credit reporting agencies collect data.

It is also expected to lead to more competition and efficiency in the credit market, which may in turn lead to more affordable credit and mortgage insurance for families and first home buyers.

Credit providers will now have positive obligations to help consumers correct their credit information. It will be easier to make complaints about incorrect credit reporting information. The Bill will also prohibit the collection of credit reporting information about individuals reasonably known to be under the age of 18.

Businesses will get more information, particularly in relation to repayment history—but Labor will protect the privacy of this information. For example, given the sensitive nature of repayment history information, this information will only be available to credit providers who are subject to responsible lending obligations under the National Consumer Credit Protection Act (2009).

In addition, repayment history information can only be retained for a rolling two year period, rather than five years like most of the other information in the credit reporting system.

For families to fully utilise these new powers, they need to be able to get an enforceable remedy. That's why the Gillard Labor Government is enhancing the powers of the Australian Privacy Commissioner to improve the Commissioner's ability to resolve complaints, conduct investigations and promote privacy compliance.

Under this Bill, the Privacy Commissioner will be able to make a determination to direct an organisation to take specific steps to stop certain conduct, or take reasonable action to redress any loss or damage suffered.

The Commissioner will also be able to obtain enforceable undertakings from an organisation. A Court can then make appropriate orders, including orders for compensation.

The Commissioner will also be able to apply to the court for a civil penalty order against organisations. Penalties range from 200 penalty units—$22,000 for an individual and $110,000 for a company—to 2,000 penalty units, which is $220,000 for an individual and $1.1m for a company. For serious and repeated breaches of privacy, the penalty will be 2,000 penalty units. This is another remedy for consumers and will encourage compliance with the Privacy Act.

The Privacy Commissioner will also be able to direct agencies to perform a Privacy Impact Assessment, and will be able to conduct Privacy Performance Assessments to check that agencies and organisations are complying with the Australian Privacy Principles.

This Bill will make dispute resolution simpler, quicker and cheaper. The Commissioner will have a new power to recognise and approve an external dispute resolution scheme for credit reporting disputes. There are new conciliation provisions, so that conciliation can be a dispute resolution option.

In essence, the Australian Privacy Commissioner will have new powers, including the power to seek enforceable remedies for consumers who have had their privacy breached. These are major reforms.

They are major reforms which will help working Australians in practical ways—from correcting their credit information when they apply for a loan, to making a complaint against a bank or telecommunications company. Labor is giving more power to working families.

The Government is allowing industry and government agencies nine months to review and update their privacy policies and practices. That's why the Bill will commence nine months after Royal Assent.

Finally, I would like to thank all of the stakeholders who have worked so hard on these reforms since 2008. The Government is looking forward to continuing to work with them on the Regulations and the Credit Reporting Code.
Debate adjourned.

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

Consideration of House of Representatives Message

Message received from the House of Representatives returning the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012, informing the Senate that the House has agreed to amendments Nos 1 and 3 made by the Senate, disagreeing to amendments Nos 2 and 4-13 made by the Senate but has made amendments in place of those amendments, and requesting the concurrence of the Senate in the amendments made by the House.

Ordered that consideration of the message in Committee of the Whole be made an order of the day for the next day of sitting.

Consumer Credit Legislation Amendment (Enhancements) Bill 2012

Assent

Message from the Governor-General reported informing the Senate of assent to the bill.

Environment Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Bill 2012

In Committee

Bill—by leave—taken as a whole.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:43): The Greens have four amendments which I propose to move through fairly expeditiously. However, I do have some general questions to begin with and I understand Senator Whish-Wilson has some as well. I want to ask some general questions around the advice that AFMA received over this particular quota, but because that has raised some other issues I would like to ask questions around those issues too. First off, I would like to ask about the advice that was received by the advisory committee that has been the subject of much discussion. Was that advice accepted holus-bolus by the commission? Was that advice the advice that the commission then made its decision on?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:44): AFMA is an independent regulatory authority, so is not with us today because we are dealing with an environment bill. I will take your question on notice, but effectively you are asking if the commission makes an independent decision. Depending on which issue you are talking about—if you are talking about a particular event, perhaps you could outline that event, so I can take it on notice and obtain an answer for you. Broadly, the way it works is those two committees provide advice to the commission and then the commission acts independently and makes the decision.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:45): Specifically referring to the South East Management Advisory Committee meeting which has been the subject of much discussion and comments by the ombudsman, was that advice followed by the commission? This leads to the open practices of the advisory committee and other advisory committees and about whether other people who have acknowledged a conflict of interest
have remained in and participated in meetings. Is this the one and only occasion where this has happened?

 **Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:46): Again, as I have indicated, AFMA is an independent regulator, but it is not here as we are dealing with an environment bill. I can take your question on notice as I do not want to speculate on what is in the individual commissioner's mind when they make decisions about these things. I am not the commissioner, but I will seek to obtain an answer for you.

 **Senator SIEWERT** (Western Australia—Australian Greens Whip) (17:46): I appreciate that and that you are not the Minister for Sustainability, Environment, Water, Population and Communities. We are amending a specific piece of environment legislation but, as is pointed out, in this legislation you and the environment minister make the decisions jointly. I also appreciate AFMA is an independent body. However, I would think that the government has been following this up. If not, why not? I appreciate you have indicated you will take these questions on notice.

 **Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:47): I think you raised two separate matters. One is about issues concerning the ombudsman. That is an ongoing matter and is between the independent regulatory authority and the ombudsman who is investigating that and, as I understand it, has provided an interim report but not a final report on this matter. As that matter is ongoing, I do not intend to canvass it. It is up to the independent regulator to respond to that matter, so I will ask if the regulator wants to provide any additional comment in respect of that issue.

The second question was: what is the department doing? On Friday I requested that the department look at a range of issues that have occurred and commence an investigation under section 44 of the legislation to ensure that all of these matters are looked at. That is ongoing and I do not have a response from that. That is what I am doing to ensure that it is clear.

 **Senator SIEWERT** (Western Australia—Australian Greens Whip) (17:48): Is that section 44 investigation just about this particular matter or more broadly about how things have been operating in general, separate to the review?

 **Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:49): A broader matter. Again there are two parts, but these are different to the earlier two parts. One is an investigation into the procedures and processes that have been followed, because serious questions have been raised and these questions require answers. I think we need to have confidence in that agency as it is an independent regulatory authority. That is why I implemented the investigation, to ensure that we have the answers to those serious questions that have been raised. If you look at the ombudsman's correspondence, it mentions in the last or the penultimate paragraph—I do not have it before me—others matters that were also being looked at. That supports the view that there appear to be, at least on the face of it, serious questions that have been raised and do need a response. That investigation, in cooperation with DAFF, will provide some guidance.

Secondly, the broader review that I announced will look at the regulatory
framework. This review will be undertaken by Mr Borthwick over the next three months. That will also provide a broader view of how AFMA can perform its role in a way that meets contemporary outcomes.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:50): The time line for that review is three months. Will the review accept submissions? Will those submissions be public? Will there be consultation processes as part of that review? If so, is there an intention to have a wide range of stakeholders involved in those public consultations?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:51): At the moment some of the finer detail is being worked through. I would envisage that it would include stakeholders and people would be able to make submissions. It would depend on the way Mr Borthwick wants to conduct the review. I have not yet had an opportunity to speak with him directly, but I will have that conversation with him. Those are the areas I expect to be covered, but he will independently conduct the review and will have a view on those issues as well.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:52): Will that review subsequently be made public? I have been asking these questions long enough to know that you will want to consider it first if it is made public, but what is the time line for making it public if, in fact, you will be making it public?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:52): I expect, if you look at the matters I have been involved in in the past, that it will be made public. That would certainly be my first position.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:52): Is Mr Borthwick carrying out the review by himself or will there be a panel involved? If so, who?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:52): He will be supported by DAFF. A secretariat will support his work.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:53): Will the extended review cover both AFMA and the processes involved with the department, or are you just talking about the processes and framework for AFMA?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:53): It would be the two legislative acts that broadly make up AFMA.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:53): Can I go to the processes of ecological sustainable assessments. This is an environment question: how will this process relate to the process that was gone through in the past in terms of ecological sustainability assessments? Have you considered whether this root-and-branch review will impact on any of those assessments that have been done in the past and any that may be carried out in the future? Are you looking at any of those assessments in terms of some of the failures in the process of the SPF?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:54): To be fair, we get into a chicken-and-egg type of
arrangement. It would be sensible to allow the review to come forward and report because the interaction between two pieces of legislation would be dependent upon the management plans that AFMA will develop and that Environment would have an input into. That is how I envisage it working. I do not want to second-guess an outcome from the review.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:55): If I understand correctly—and I understand your point about doing the first one first—if it shows up issues then is there the potential that we may need to look at the ecological sustainability assessment process?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:55): Again, it becomes speculative and hypothetical, but I would not rule it out. That is the easiest way of putting it.

Senator WHISH-WILSON (Tasmania) (17:55): In relation to the nature of the panel examining declared fishing activity, who will be on the panel, how will they be chosen and what criteria and process will be followed in how they are chosen?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:56): I am advised that the proposed amendments do not describe the definition of ‘expert panel’, and provide the Minister for Sustainability, Environment, Water, Population and Communities with the flexibility to establish a panel and appoint the panel members with regard to the expertise required for each particular assessment. The expertise required to conduct an assessment may vary depending on the nature of the particular fishing activity and its potential impacts. For example, there will likely be a combination of assessment methods to determine the nature and scale of potential impacts, and this may require different specialists such as those in fishery modelling or who have done relevant research.

Senator WHISH-WILSON (Tasmania) (17:57): How many people on the panel will be needed to form a quorum to make a decision?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:57): At the moment I am advised that the draft terms of reference have not been finalised, so some of that technical detail—

Senator Abetz: Talk about rushed!

Senator LUDWIG: There is no rush. We will get to that shortly.

Senator WHISH-WILSON (Tasmania) (17:57): What will the panel's powers be for commissioning science, and where do you envisage the funding will come from for any future scientific work on a declared fishing activity?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:58): I am advised that the Department of Sustainability, Environment, Water, Population and Communities will fund it, but what you are describing is what happens after a particular event. I think we need the event first; it comes back to a chicken-and-egg issue. If and when the event occurs then those types of issues will be resolved at that time.

Senator WHISH-WILSON (Tasmania) (17:58): How will potential conflicts of interest among panel members be managed?
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:58): They will be dealt with in the usual way that conflicts of interest are managed. I do not envisage—perhaps I should not say that. They will be managed in the usual way.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:59): I need to jump back to the investigation we were talking about earlier; I apologise for jumping around a bit. We talked about the timeline for the review of the fisheries legislation but I neglected to ask you about the timeline for the review but not for the investigation. What is the timeline for that?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:59): No, I did not give you an answer in relation to the timeline for the investigation. That is a matter for DAFF. I asked them to do the investigation. At this point, we are just scoping out the level of work that is required and I expect they will come back to me shortly with some projections around time lines. I do not expect it to be particularly lengthy, but do not hold me to that either.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:00): Not meaning to be pedantic, but are we talking about weeks or months? There is a three-month process for the review of the fisheries legislation.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:00): I would envisage a much shorter period. This is an investigation by the department in relation to some procedures and processes that have been undertaken. It may be completed very quickly, on the basis that they can undertake the scoping work, do the work, come back and report in a relatively short period of time. I would envisage it being finished well inside three months. But if that were to change, I would be happy to write to you and explain why.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:00): Just so I can be clear, will this also look at issues about how many times people have declared conflicts of interest and the sorts of processes that have occurred around whether or not people have been asked to participate in decision making? Will those things also be covered?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:01): I imagine it would encompass those issues.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:01): I am glad you would imagine it, but will it or not?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:01): If you go back to the earlier comment, I have asked the department to investigate. I am not going to fetter them in their investigation nor am I going to direct them as to what they should or should not look at more broadly. I expect them to do a competent job, to look at the procedures and processes, particularly around the issues the Ombudsman has raised. I have confidence in the department that they will undertake the work that you have described as part of the assessment of that work—and you would expect them to do that.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:02): Do I take it from the comments that you have made
that the other matters in the Ombudsman's letter around the other matters that have emerged in the course of our investigation have been communicated to the department and that that is what you are investigating? Or am I making an assumption about a connection there?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:02): I asked on Friday, before the letter from the Ombudsman, for an investigation to be commenced because questions had been raised that I considered were serious questions that required answers. I note that the Ombudsman also raised compliance with section 64C, which goes to the declaration of conflicts of interest and, as I understand it, AFMA have admitted to that. I note at the end of that letter they went to other matters. In asking the department to scope out some of the work, they have also noted that and I am confident that they will include that in the work that they will undertake with AFMA. It is about making sure that the procedures and processes that AFMA adopt are what you would expect.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:04): I asked previously about the review being made public. Is it planned that this investigation will be made public?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:04): I would want to see what the investigation says first and what actions might be available or what the department recommends. With all of these things, it is usually my predisposition to make them publicly available, provided there are no commercial-in-confidence matters or other matters that might require follow-up. But, by and large, that would be my predisposition.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:04): The legislation requires that two ministers agree to the trigger. I am wondering what happens when the ministers disagree.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:05): I guess that would mean there is no agreement.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:05): So does that mean a matter does not get declared?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:05): That is how I understand it, but I will take departmental advice on that. If two ministers do not agree then the clause would not operate.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:05): So if the environment minister feels that there is an issue and the fisheries minister says that there is not an issue, does that mean the matter does not get declared?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:05): That is my reading of it, yes.

Senator WHISH-WILSON (Tasmania) (18:05): On the root-and-branch review, we heard in the house recently that the supertrawler has been in planning for some years; the Commonwealth Fisheries Association recently said seven years. Will this review provide the information around the planning for the supertrawler,
particularly the participants and the funding? An example might be the Francisco J Neira report in 2011. For example, who instigated that report and who funded that report?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:06): I would have thought that estimates would provide a valuable opportunity for you to ask the independent regulator, AFMA, yourself. If you ask them to appear at estimates, they will appear and they will be available to answer your questions as they can. On the review, I do not envisage it as an opportunity to ask questions. I think the review is going to undertake a legislative review of the two acts. I am not going to fetter Mr Borthwick. He will work through the terms of reference that have been provided to him and do a competent job.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:08): Thank you. In relation to that, can we at least have an assurance that the minister knew what he was doing when he tabled the first draft of the legislation and his second reading speech? Then can you tell us: if he did know what he was doing in tabling the first draft of the bill and his second reading speech, why, 24 hours later, did he have to make so many amendments and so many changes?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:09): Clearly, I am not Minister Burke. I will take it on notice and see what he will provide. It is not something on which I can get into his mind and work out his state of mind as to the procedure he adopted. Nevertheless, I will ask him and see what he provides.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:09): Surely there must be departmental officials available who can advise the minister as to what input the department had in relation to the first bill, if I can describe it as such—and, in fact, I can; I understand it was the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill. Who drafted it, on whose instructions and who had input into it? Then, the follow-up question would be, in relation to the second bill, which then changed its name to the Environment Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Bill, who had input into that?
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:10): Thank you, Senator Abetz. As I understand it, the amendments were made for the purposes of clarifying the legislation and others were made that I would have to take on notice for Minister Burke.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:10): If it was to clarify the legislation, what was in the minister's mind or the department's mind that they did not understand what recreational fishing was and what charter fishing was, as opposed to commercial fishing? Are you really telling us that we had people administering this legislation that did not understand the differences between those three fishing activities?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:11): Again, I think you are asking me to second-guess what might have been in the mind of Minister Burke. I am not able to do that. As I have indicated, I am happy to take it on notice. You can ask me, of course, what may be in my mind but, in terms of representing Minister Burke, I will take it on notice.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:11): You are here, Minister, representing—allegedly representing—the minister, and for you to just simply duck all these questions, if I might say, is unacceptable. Did this legislation—either version of it—go to cabinet?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:12): If I could answer in a more broad sense, cabinet is in-confidence, and I do not generally talk about matters in cabinet. Legislation does not usually go to cabinet. You would know that, Senator Abetz, I am sure.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:12): If that is the usual procedure, why can't the minister tell us whether an unusual procedure was undertaken in relation to this particular legislation?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:12): Because it is cabinet and, on that basis, I have been very strict about not revealing the details that go on in cabinet—and I am not about to breach that now.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:12): That is absolute nonsense, Minister, and you know it. We cannot ask what cabinet decided, but whether or not something went to cabinet is something that we are entitled to know. But, yet again with this Greens-Labor alliance government, with Independents claiming that we will have transparent and accountable government, clearly that does not apply when the Greens-Labor alliance is in cahoots, trying to get legislation rushed through this place. Minister Burke, as I understand it, and you, Minister, were on record accepting the science in relation to this particular fishery and the Abel Tasman. Can you indicate to us on what date and at what time Minister Burke became uncertain as to the science?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:14): I cannot recall whether Minister Burke has ever said that he has had a problem with the target species. My recollection—and I could
not tell you a date; Minister Burke may be able to provide a date—is that for some time Minister Burke has been saying he has environmental concerns about the small pelagic fishery.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:14): What process will the minister need to go through to activate the provisions of this bill?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:15): In terms of the way the declaration process under the bill works, I am advised that there is a two-stage declaration process under the bill involving both an interim declaration and a final declaration. The interim declaration process facilitates the prohibition of a declared commercial fishing activity while consultation with affected operators occurs over a period of up to two months. The final declaration process imposes a longer term ban for a maximum of two years while an expert assessment can be undertaken of the potential impacts of the fishing activity.

Both declarations require the environment minister and the fisheries minister to agree that there is uncertainty about the environmental impacts of the fishing activity. The environment minister must, in making a final declaration, take into account the comments provided by affected fishing concession holders and can only make a final declaration in relation to the same activity that was the subject of an interim declaration.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:16): So to understand this: all the minister has to say is that he—in this case—is uncertain but does not have to avail himself of all the prevailing science and other information that might be available to him? So if his decision were ever challenged all he would ever have to say in an Administrative Appeals Tribunal or in a court of law is, 'I was uncertain; prove otherwise.' No objective analysis is required.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:17): I am not going to go through the legal requirements that must be met.

Senator Abetz: What? Why not?

Senator LUDWIG: Because the particular tribunals may take what would be a reasonable test approach. They may look at it in that light. I am certainly not going to argue either case here. All I can say—and I think it is reasonable to say it—is that both declarations require the environment minister and the fisheries minister to agree that there is uncertainty about the environmental impacts of the fishing activity. How that would be viewed would depend on the decision, how it was implemented, the procedural fairness that was provided and of course the circumstances which a tribunal may take into account in deciding to review it in any way.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:18): Nothing in life is 100 per cent certain. Therefore, all the ministers have to say is, 'We believe there is uncertainty; you prove otherwise,' and they can stop a commercial fishing activity for up to a period of two years. Is that what this legislation will allow for?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:18): I could reiterate what I said. I can only say what the legislation says. You can put your own interpretation on it and run that up the flagpole. I will stick very carefully to what
the legislation says and reiterate that I am not going to interpret it here or provide additional comments as to what it may or may not mean in that sense. But it does make it clear to me.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:19): Well, what a waste of time this exercise is if, during the committee stage, we cannot find out how the bill will actually be implemented, what its meaning is and what its consequences will be. I would have thought, irrespective of what side of the chamber you sit on, Minister, you would accept that that is the role of the committee stage in a bill so that senators can actually get an understanding of how it will be implemented and any misunderstandings—as senators can be disabused of them so that a full understanding can be achieved. If all we are going to get is, 'Well, read the bill for yourself; that is going to be its interpretation,' I fear that that is not exactly what the committee process was designed for. It was in fact designed to deal with these issues so that there can be clarity as to what is meant by the legislation. But when a minister cannot even explain it, it once again highlights how this legislation has been rushed through. Minister, is there any objective process that the ministers need to go through prior to making the interim declaration?

Senator Ludwig: No.

Senator ABETZ: As a result of which, would it be fair to say that in relation to the particular trawler that we are talking about, a decision has already been made by the ministers and any submissions that may be made by the owners of Seafish Tasmania will simply fall on deaf ears because the judgement has already been made?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:21): That would be completely unfair to say. No decision has been made. The legislation has not passed.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:21): Is it only unfair to say that which I have asserted simply because the legislation has not yet passed? Can I say with respect, Minister, that the consequences of legislation—

Senator Ludwig: There were two parts: one, it is unfair and, two, the legislation has not yet passed.

The TEMPORARY CHAIRMAN (Senator Crossin): Minister, you need the call.

Senator ABETZ: I think we are all agreed, Madam Acting Temporary Chair, that the legislation has not passed. If it had passed, guess what? We would not be in the chamber debating it. I am not sure, Minister, that was a very helpful contribution—but thank you for it, nevertheless.

Let us get back to the actual issue as to whether or not Seafish Tasmania's application has been prejudged by the ministers and this legislation is simply designed to ensure that the ministers' decisions, based on uncertainty—whatever that might mean—can be implemented.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:22): As I said, no decision has been made. That is clear.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:22): In that case, the headlines in the Tasmanian newspapers should be that the trawler may well still be allowed to fish and that no
decision has been made. And, if that is the case, why is it that Labor senators have been out in Tasmania, along with a Greens senator, celebrating the fact that this trawler has now been stopped? I think we have an issue there of integrity and process, but of course with this government that should not surprise. I have one final question before I hand over to Senator Colbeck. Have you received any advice whatsoever in relation to the possibility of compensation in relation to Seafish Tasmania? In answering that, have you actually sought advice?

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:23): Again, I think that the question pre-empts the passage of the legislation.

Senator Abetz: You either have or have not sought advice.

Senator Ludwig: In relation that, I can answer. No, we have not sought advice in relation to that. That is a commercial matter for the operators concerned.

Senator Abetz (Tasmania—Leader of the Opposition in the Senate) (18:24): How can it be a matter for the commercial operators to determine whether or not you, Minister, have sought advice in relation to the possibility of compensation being payable? That is your decision, wholly in your province. Please answer the question.

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:24): There are two answers. Firstly, this does pre-empt; no decision has been made. Secondly, the department advises that advice has not been sought in relation to compensation.

Senator Colbeck (Tasmania) (18:24): I have a couple of questions to follow on from where Senator Abetz was in relation to the issue of uncertainty. Can the minister advise us who Minister Burke spoke to in order to mitigate the concerns that he had in relation to the fishery and the impacts on the fishery of this proposed venture?

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:25): I would need a fraction more specificity in relation to the question to understand the context.

Senator Colbeck (Tasmania) (18:25): You have spoken about it this evening in relation to what is required to trigger it. Senator Abetz has asked you some questions about what might trigger an intervention. There are some questions about what action Minister Burke took to, as you say, deal with the uncertainty that he had about interactions—and I think we are talking about marine mammals—in relation to this fishery. That is the rationale that I have heard him give publicly as to why we are passing this legislation. What I want to know is who Minister Burke consulted with to actually inform himself in relation to his uncertainties about those marine mammal interactions—something that I think he calls bycatch.

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:26): I think it would be easier if I were to take that on notice. I cannot stand in the shoes of Minister Burke as to who he consulted with in relation to the matter and nor can I speculate more broadly as to who he may have spoken to. I am happy to get an answer from Minister Burke as to who he has consulted with.

The Temporary Chairman (Senator Crossin): Minister Colbeck. Senator Colbeck, sorry.
Senator COLBECK (Tasmania) (18:27): I will take the promotion, thanks, Chair! Can I ask if Minister Burke has consulted with, say, SARDI, IMAS, the FRDC or perhaps even the CSIRO—who, as I understand it, have a whole-of-ecosystem model that looks at impacts across the ecosystem and can actually model the potential impacts of harvesting many of the marine species in the Australian fishery and also, from that model, determine the flow-on effects from that harvest. Has Minister Burke consulted with any of those organisations, but particularly CSIRO?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (18:28): Again, Senator Colbeck, I will take that on notice.

Senator COLBECK (Tasmania) (18:28): I think this is a really important issue, because Senator Abetz asked Minister Ludwig questions about what precedes a declaration. Minister Ludwig has told us that there can be an interim declaration of up to two months, which he says deals with due process and fairness. And then there is the second-stage process to deal with the suspension of up to two years. But if we cannot be confident in this process of the work that Minister Burke has done to deal with his 'uncertainties' through this process, how can we have some confidence as to what he might be required to do as part of a declaration process? In this circumstance he is bringing in legislation. In the next process, if he does not do anything to deal with these uncertainties, he could be making decisions without any core information, and then how is due process, or fair process, dealt with as part of making a declaration?

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:29): I realise we are just about out of time, but I would like to move my amendments so that they are moved during this debate today. Could I please at least start the process of moving my amendments?

The TEMPORARY CHAIRMAN (Senator Crossin): You have got five seconds.

Senator SIEWERT: I seek leave to move Greens amendment 7282—Progress reported.

Ordered that the committee have leave to sit again on the next day.

Sitting suspended from 18:30 to 19:30

Marriage Amendment Bill (No. 2) 2012

Debate resumed on the motion:

Senator FAULKNER (New South Wales) (19:30): I support the Marriage Amendment (No. 2) Bill 2012. I support this bill because I support equal rights for all Australians. This should not be a debate about the virtue and value of marriage as an institution, nor about its role in our society. Nor is it a debate about the role and prominence of religion—any religion—in our nation. It is a debate on the simple question of whether it is right for a government to deny some of its citizens access to a secular, government-recognised status on the basis of the gender of the person they choose to share their life with. I support this bill because I believe that no government should deny rights to any citizen on the basis of race, sex, religion, country of origin or sexual preference.

Human rights can never be at the mercy of individual opinions or individual prejudices. They are not privileges to be extended to one person and denied to another according to the winds of popular opinion or the whims of the government of the day. They are inherent
in each and every one of us, quite simply because we are human—inhinct in each unique, and uniquely valuable, person. 'Recognition of the inherent dignity,' the Universal Declaration of Human Rights starts, 'and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.' That inherent dignity, those equal and inalienable rights, belong to those who are different to us as well as those who are like us.

While as individuals we may fall short of the ideal of living without prejudice, of judging each and every person we meet purely on, as Martin Luther King said, 'the content of their character', we must always hold our government and its laws to a higher standard. It is not for governments to grant human rights but to recognise and protect them. It is not for any of us to approve of human rights, only to choose whether to respect or ignore them. Today the Australian parliament faces such a choice. Will we continue to deny the rights of hundreds of thousands of Australians because of the gender of their partner? Will we continue to refuse to accept the full citizenship, the full humanity, of our fellow Australians simply because of who they choose to live their lives with? This is not a complex question, nor should it be a difficult one. Removing this last legacy of discrimination against some of our fellow citizens affects no-one but them. Recognising their rights curtails the rights of no-one else.

There are times when governments must consider competing claims to rights. When, for example, a legislature passes a law providing for the imprisonment of individuals found guilty of certain crimes, they are weighing one citizen's right to liberty against others' rights to safety and security. So too must laws concerning defamation, national security, or even more mundane matters such as road safety, take careful consideration of the balance between the rights of different citizens. In all these cases, allowing some rights to be exercised without any constraint will infringe the rights of others. But this is not such a case.

No Australian will be denied any right if this legislation is passed. Those who are married will stay married. Those who are currently able to marry will still be able to marry. Married couples will not lose one iota of their current rights. Marriage celebrants will not be compelled to marry any two individuals any more than they are today. Those with personal objections to the marriage of any two individuals will be no more forced to attend their wedding than they are today. Contrary to some of the more colourful contributions to the public debate, this legislation will not cause a sudden outbreak of mass homosexuality across the country. In fact, this bill will strengthen the rights of those currently able to marry by recognising marriage as a right all adults have—one that government has no justification to deny. A right denied to some is a right secure to none. This bill will simply end the current discrimination against some Australians who are denied the right to formalise their relationship in law on the same basis as everyone else. There is no justification for continuing to maintain that discrimination.

There are those who object to the removal of this discrimination against gay and lesbian Australians because they believe that to do so would be contrary to the tenets of their religion. I respect absolutely the right of any Australian to hold to whatever religion they choose. But we live in a secular society, a society which respects both each citizen's right to practice their religion and each citizen's right not to have a religious belief enforced upon them. Our marriage laws already recognise the diversity of religious
faith in this country and they recognise that many Australians subscribe to no religion at all. We recognise the marriages of Catholics, Protestants, Jews, Sikhs, Muslims, Unitarians, Buddhists and Hindus—the marriages of those of all religions, of mixed religions and of no religion. The Marriage Act is the civic law of a secular country and it has never been, and should not now be, shaped by the desire of some members of some faiths to dictate the behaviour of those who do not share their views.

There are those who object to the removal of this discrimination against gay and lesbian Australians because, they argue, it goes against nature. But marriage is not a natural occurrence; it is a social one. Like all of our social customs, it reflects different values and different expectations in different places and at different times. What was once, in most of Europe, essentially a legal contract between families to secure the transmission of property between generations is today an expression of mutual love and commitment between individuals. What was once the province of only the wealthy—the great majority of the population once simply 'jumped the broom' to show their commitment before their community—is today considered a right for members of all social strata, regardless of income, background or residence. What was once throughout Australia the legal obliteration of a woman's individual identity—her personhood, her right to own property, work, or act in any way without the consent of her husband—is today the decision of two equal people to share a life together.

A nation's laws reflect its values. I believe that our nation recognises the full and equal citizenship of all Australians, regardless of race, religion, gender or sexual preference. I believe that our nation stands against discrimination against any person. And I believe it is time—it is past time—for our marriage law to reflect those values. I will be voting in favour of this bill.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (19:43): Mr Acting Deputy President:
The Labor Party's got a clear position about the Marriage Act that is a party position, so you should expect to see the Labor Party voting as a political party, voting in unison if that proposition comes to the parliament.

So spoke the Prime Minister to Radio National on 29 September 2010 in response to the question:
Will you allow a free vote on gay marriage on your side of politics?
So why are we debating this proposition and why is it that Labor has broken yet another promise?

We know why. It is the Green tail yet again wagging the hapless Labor dog. As with the carbon tax, Labor will say one thing and do the exact opposite to placate the Greens. Meanwhile the Greens, anticipating a certain result here, have used their numbers in the Tasmanian parliament to try to effect an outcome there.

It is amazing the way these things are being reported. A federal Labor member has had his branch unanimously condemn his position and his federal electorate council condemn his position. I speak of the Maroubra branch and the Kingsford Smith Federal Electorate Council—Mr Garrett's seat. That strong stance taken by rank-and-file Labor party members gets no coverage in the media. But an actor who says, 'I support gay marriage,' will get the front page of a newspaper to proclaim her particular point of view. It seems that in this debate the media has deliberately cut out certain people.

Some prominence was given to the President of Unions Tasmania, Mr Kevin Harkins, who in effect threatened Labor senators in my home state of Tasmania. He
said about Labor senators who might exercise a conscience vote and oppose this bill: 'They should go and find a job in another state.' When he drew breath, Mr Harkins told us that this issue is all about tolerance, not in the slightest seeing, let alone being embarrassed by, the hypocrisy in his own intolerance.

My view on this bill is already on the public record by virtue of the speech I gave to the Young Liberals national convention in January this year. I will not therefore repeat all the arguments. It will suffice to direct those who are interested to my website, where that speech is, and to quickly canvass a few issues. Firstly, marriage is not all about love. It is ultimately about the next generation and its socialisation, with the benefit of having, if at all possible, mother and father role models. The social data and studies in this area are simply overwhelming. Children do best with both a mum and dad. Sure, there are circumstances where they are not given that opportunity for a variety of reasons, but we as a society should not embark deliberately on creating situations where that might be the case.

Let me turn to the issue of discrimination, which is so often referred to. Marriage, by its definition and purpose, is highly specific. It has always been heterosexual-specific. That does not make it unequal or discriminatory. To try to make it into something else will change its very definition. The sex of the spouses is determinative of marriage, just as the sex of the person is determinative of motherhood. We blokes can assert discrimination all we like, but—guess what—blokes are not mothers; they never have been and never will be. We could change the definition of motherhood, but then motherhood would no longer mean and be motherhood anymore. Of course, for the record, the same applies to fatherhood. The concepts would then be diminished to something nondescript, such as parenthood, and the important roles of motherhood and fatherhood and their distinct yet complementary roles would be diminished in a sea of meaningless political correctness, to the great detriment of the next generation.

There are many restrictions on marriage: you cannot marry under a certain age, you cannot marry a close relative, you cannot marry a married person, you cannot marry more than one person at a time and, yes, you cannot marry a person of the same sex. If the same-sex disqualification is to be addressed as discriminatory, it begs the question: can it be asserted that the other disqualifications are also inherently discriminatory and indicative of ageism, family phobia or polyamorous phobia? Interestingly, the polyamorous cohort in our community are already celebrating the push for homosexual marriage as they see the breaking of the idea of marriage as an exclusively heterosexual, monogamous institution as their opening to recognition. Don't say it is not happening, because it has already been in the Australian newspaper. When the Greens put on their website that marriage for all does not actually mean marriage for all, many disgruntled Green members indicated their opposition to that situation. I remind senators that in the country that first initiated homosexual marriage—namely, Holland—we now have, courtesy of the Australian of 10 December 2011, a picture of Victor de Brujin with his brides Mirjam and Bianca at the Netherlands' first trio wedding. So don't say that is not the next step. I would also invite colleagues to have a close look at the experience in the state of Massachusetts in the United States. It is interesting that in the United States, we are told, there are six states that have legalised homosexual marriage. We are never told that there are in fact 31 states that have specifically outlawed it
courtesy of referendums and votes by the people.

Thirdly, let me turn to the assertion of human rights and answer directly that which Senator Faulkner put in his contribution. The Left, which always seems to have recourse to some fantastic interpretation of an obscure international treaty, is strangely silent in quoting treaties in this debate. Article 16 of the Universal Declaration of Human Rights deems it necessary to refer to marriage. Why? Because, to quote article 16(3): 'The family is the natural and fundamental group of society and is entitled to protection by society and the state.' A close examination of the declaration reveals that every single article, apart from article 16, starts with the words 'everyone', 'no-one' or 'all'. Article 16 specifically begins with: 'Men and women'. It distinguishes between the genders—it is the only clause to do so—saying that they have the right to marry and found a family. The meaning and content could not be clearer: marriage is a heterosexual construct and relates to the founding of families. Talking about marrying and founding a family in the same breath, in the same sentence, puts up in lights the universal importance of marriage and the family.

That marriage is between a man and a woman is specifically mentioned in the declaration should not surprise, because marriage has been a fundamental stabilising institution in civilised societies for over 6,000 years. This long-lasting tradition has stood the test of time and for good reason. It has some very cogent rational arguments in its favour. A long-lasting relationship in which children are nurtured, exposing them to the benefits of the unique differences of a father and a mother, provides the best environment in which to raise children. Be it their academic achievements, social skills, individual and social stability, emotional stability, sporting prowess, you name it; the kids from married heterosexual couples win out. Study after study has confirmed this to be the case—yet again, hardly surprising. So to deliberately and unnecessarily deprive a child of the diversity of a mother and a father experience is not in the child's interests.

Recently, the European Court of Human Rights has ruled emphatically that same-sex marriage is not a human right. Many homosexuals fully agree with this ruling, and to suggest that all homosexuals support this push to change the definition of marriage is simply incorrect. For the sake of our children, I trust common sense will prevail. To change the definition of marriage will have wide and far-reaching ramifications. The experience in the state of Massachusetts is an important cameo, as is the one in Holland to which I have referred previously.

I note many people want to speak on this bill and therefore I have cut my comments this evening to a brief contribution. Suffice to say that for all the reasons outlined in my speech to the Young Liberal movement earlier this year and in my speech this evening, I oppose the bill and encourage all colleagues to reject it, as it would be a highly socially destructive venture if we were to embark upon it.

Senator LUDLAM (Western Australia) (19:54): I also rise to make a contribution to the debate on the Marriage Amendment Bill (No. 2) 2012. It has been difficult to keep track of the number of different bills that are afoot on this issue at any given time. As Senator Hanson-Young has just joined us in the chamber, I want to acknowledge my colleague for her enduring work on this issue and also acknowledge that passage of this legislation, or legislation like it, will happen. It is not a matter of if; it is just a question of when. I suspect, on the basis of the comments we have just heard from Senator Abetz and those like him, that that day is not
today, but it will come. We have no doubt whatsoever about that.

The Greens support this bill and this is not an issue which will go away. The majority of Australians support it. I do not think this is as simple as a generational thing. I know of any number of people of older generations who support this concept who cannot work out why we have not got around to removing this discrimination from the statute books. I think support among young people is pretty strong and people are scratching their heads asking: 'Why is this even a debate? Why is there still even a contest to removing this pointless discrimination from Australia’s laws?' This is one of the last places where it still exists, as states and territories have gradually acceded to the bleeding obvious and removed this discrimination which serves no purpose other than to denigrate people based on their sexuality. This Commonwealth parliament will get there. It makes me profoundly sad that tonight is not the night.

If representatives of all political parties in this place were able to vote according to their conscience and in line with the views of the vast majority of their constituents, this matter would have been resolved a long time ago, as it has been in many countries around the world. I am not even sure why removing discrimination should be a conscience issue. It should be straightforward and it should be something we had dealt with well before now.

The Greens are passionately committed to seeing Australia eliminate this form of discrimination. The Greens have led the way on this debate. The work of Senator Hanson-Young and our state and territory colleagues in parliaments and assemblies around the country has led the way on this debate, but of course we are not alone. This is not a Green issue, this is not a left-right thing; this is about people. I am proud the Greens have led the way. A Westpoll in 2010 in WA showed that 90 per cent of Greens voters support gay marriage—not a lot of room for ambiguity there. This pointless legal discrimination deeply insults and disadvantages same-sex couples by declaring their love as second-class. By removing this legal discrimination, we can have a real impact on the cultural discrimination of homophobia.

Homophobia is hate. I do not believe for a moment that most of the senators who will come into this chamber tonight and tomorrow and put their views against this bill and this concept hate gays and lesbians, but homophobia is about that. It is an ongoing affliction in Australian society and in other societies around the world. The struggle of lesbian women, gay men and people identifying as transgender, bisexual or queer is one of courage up against some of the most vicious hate and brutal violence. The struggle for marriage equality is a part of that struggle. It is not the whole struggle, obviously, because we are a way down that road and Australia has changed in recent decades. It is a marker on the road. It will not be the end of the campaign, but it has become significant of broader currents in Australian society, about why we leave these forms of discrimination on the statute book.

Senator Abetz has just given his views. I feel closer to those expressed a few moments before by Senator Faulkner, who gave an extremely powerful and compelling speech. I wish more of his colleagues shared those views.

I want to remind senators of how we got to where we are, where marriage has become the issue of the day and where things like pride marches around the country are normalised and legitimised. This did not happen by itself—it took a lot of courage. It took defiance, it took organising and it took
endurance to get to the point where we are at today. It took a movement and a different kind of courage for people who lived outside major cities and for whom there was not safety in numbers. People should absolutely have the right to get married if they want to, but let us recall that it is not that long ago that to be out, to be loud and proud, declaring your right to exist, could get you killed. In 1991—not that long ago—a Sydney man was beaten to death because of his sexuality. He was beaten up by a group of young men who thought that beating up a fag would be heaps of fun, so they encouraged him to go to a park and then they killed him.

In 2003 a study conducted by the New South Wales Attorney-General and a number of others titled You shouldn’t have to hide to be safe found that gay men and lesbians were between four and six times more likely to be assaulted in a 12-month period than other Sydney men and women. What an extraordinary disgrace—in 2003. I wonder how much better those statistics are these days. The community looks to us for leadership. That is part of what we are paid for, and tonight you would have to say the record is pretty patchy on whether they are getting the leadership that people deserve. The study by the New South Wales AG found that gay people were subjected to verbal abuse and harassment, such as spitting, offensive gestures and being followed. They were threatened, they were the victims of attempted physical attack and assault and they reported experiencing property damage with petty things like vandalism and theft, written threats and psychological abuse—hate mail, bullying and that kind of thing. They were also subjected to sexual assault.

Although it has changed through a process of continual education, campaigning, advocacy, hard work and courage, we know that HIV and AIDS related discrimination are focused primarily towards crimes against gay men who are scapegoated in expressions of fear towards the virus. That has changed in Australian culture. That took leadership and courage. And we are not there yet, but we can see how these things can change through a process of community effort, education and advocacy.

What happens to people experiencing homophobia? We know what happens: stress, depression, withdrawal, anxiety, loss of confidence—the same things that can happen to any individual who is being bullied and picked apart for something that they do not necessarily have any control over. It does not feel like a disease; it is something that is about them and is intrinsic to them. The higher rate of suicide in gay youth is part of the evidence. Despair is the result of discrimination when you are not accepted for being who you are and loving what you love. Because of the violence, hatred, abuse and discrimination that are experienced, marriage equality would be an achievement in the struggle against this. I can already hear the words that will come back at us from senators opposing what we are proposing to do to the institution of marriage, such as it is. These senators would say, of course they are not against hate crimes, hate speech and discrimination, the sort of bullying and psychological abuse that I have described. But it is all part of the puzzle and this is the sticking point now. This is where the country has decided the national debate will stick until we have resolved this issue. So it invokes all of those other aspects of this very, very long campaign for equality. Tonight is not just about marriage equality. It is about equality more broadly, based on the fact that all of us in all of our diversity and difference are human beings and fundamentally the same.
We know that this is a declaration by the Commonwealth to gay and lesbian Australians: you are not abnormal, you are not wrong, you are not unequal; we are simply removing those clauses that were placed there consciously. I can remember when that happened. The Howard government, in an act that I think the country has learned to regret, deliberately inserted those words into the Marriage Act to take those rights away from people. The words were designed not to remove ambiguity but to install discrimination. Equal legal status is a big step towards preventing homophobic violence and it undermines the notion that inferior status should be accorded to gay people. It would of course remove the Commonwealth's tacit support for the idea that there is something wrong with homosexuality. Equal status would also pull the rug from under the bigotry that seeks to justify homophobic hate crimes and the sorts of behaviours that I have just described and that do still exist in our society and are still experienced by Australians.

It is a breach of article 18(1) of the International Covenant on Civil and Political Rights to have barriers to the right to marry. I guess that is something Senator Abetz had not come across in his sketchy and hasty reading of international covenants to see if he could find some evidence to support his case that this is a planet wide phenomenon that Australia would be bucking. Sorry, Senator Abetz, but you did not do your reading. It is a violation of the right to freedom of thought, conscience and religion. As the Western Australian Women's Law Centre stated in their submission to the inquiry into Senator Hanson-Young's bill:

Same-sex couples who engage in the act and commitment of marriage are not putting the public at any risk of health, safety or order, are not breaching the rights of freedoms of other people, and as such should not be subject to such limitations.

My dear colleague the Hon. Lynn MacLaren, MLC in the Western Australian Legislative Council, announced a bill to be brought into the Western Australian parliament. She has called on the West Australian Minister for Education; Energy; Indigenous Affairs to introduce a specific policy against homophobic bullying in schools, drawing on recent research that shows that such policies are working in other states.

Such bullying is actually alarmingly common in schools. Studies still show that suicide rates amongst gay, lesbian, bisexual, transgender and intersex communities are 2½ to 14 times higher than in the general community and that young people are particularly vulnerable. We in this place have a duty of care to protect students from such bullying. Lynn's efforts on bullying are due to the fact that children learn homophobia at a very young age. Prejudice and targets to express prejudice begin at school. Gay people are dehumanised for having violated gender norms. It can be subtle or it can be really explicit. One of the ways in which we can make it explicit is to write into the law that people are different. That is something that this chamber could change and fix.

If the federal government refuses to get out of the way of reform at a Commonwealth level, we are the ones who are charged with oversight of the Marriage Act, a Commonwealth act. But if this chamber fails to get out of the way of a reform that the majority of Australians clearly support then the Greens in Western Australia want to provide the opportunity at the state level to make this possible. We have seen the moves in the territory assembly in recent weeks to do effectively what is obvious. Because Canberra has failed—that is loose language, I suppose—or because this Commonwealth parliament has failed, the assembly have
taken that step and in the legislative council in Western Australia, Ms MacLaren will take that step.

For many years I have been proud to join the gay pride march in Perth. I have been there as a straight man supporting the right of gay people to live, love and express their diversity and political goals exactly as they wish. It is not something that should be up to me. It is well overdue for the Australian government to proudly join like-minded secular democracies around the world that have removed discrimination against same-sex couples, allowing them to celebrate the legal, emotional and social commitment afforded to heterosexual couples who choose to marry.

I acknowledge my colleague in the Western Australian parliament, Giz Watson, MLC, who was the first openly lesbian parliamentarian in Australia. She has said that gay marriage in Australia is a matter of time. It is not something that we would force people to do—if you are opposed to gay marriage, don't have one—but it is a right that we believe should be afforded to those who would choose it. Giz led the way in Western Australia, and I acknowledge Western Australian ALP colleagues in the state parliament there, particularly the state Attorney-General of the day, Jim McGinty, for removing all discrimination from the Western Australian statute books. This was a campaign led by the Greens WA and the Labor Party in Western Australia, and if Senator Louise Pratt were here tonight I would tip my hat to her as well.

That is how this work is done; in a long campaign. They went through the Western Australian statutes with a fine-toothed comb and pulled out dozens of discriminatory phrases. That campaign took years to come to fruition, and it was fought at the time by much the same people who are fighting and kicking and screaming over this, in my view, entirely innocuous change to the Marriage Act. The sky did not fall in; nothing has changed. The institution has not been undermined, or if it has it has been undermined by completely different things—

Senator Hanson-Young interjecting—

Senator LUDLAM: In fact, as my colleague Senator Hanson-Young reminds me, the institution has been strengthened because it is something now that can apply to us all should we choose it.

When the time comes I think Australia will celebrate this step forward. The celebration and credit for this turning point will be due to the long and courageous struggle on the part of lesbian, gay, bisexual, trans- and intersex people for their basic human rights to be recognised, protected and celebrated. I strongly commend this bill to the Senate. If we do not pass it tonight we will pass it one night, and may that night come soon.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (20:10): I rise tonight to make a contribution to the debate on the Marriage Amendment Bill (No. 2) Bill 2012. Australia's first civil union scheme was introduced in Tasmania and commenced operation in January 2004. The Relationships Act 2003 provided for the registration of deed of relationship with the Tasmanian Registry of Births, Deaths and Marriages. Registration of a deed of relationship allows immediate access to relationship entitlements as well as a means of proving the existence of a relationship if challenged. I remember members of the gay community saying that this satisfied their needs for their relationships to be acknowledged and recognised. Eight years later, what has changed? What was good enough is no longer good enough, so I ask: what has changed?
Homosexuality has always existed in human society but I do not believe it has ever previously been linked to marriage. I have personally supported all our government's moves to take away discrimination—some 85 pieces of legislation were passed in the Senate. However, this campaign being run in the community has been run without mutual respect. It is so disappointing that those advocating for this bill demonstrate no respect for those with a differing view. The bitterness within their community, the personal assassinations and the disgraceful attacks on those individuals who believe in the Marriage Act as it stands is a reflection of those who are calling for understanding and tolerance, and they should first lead by example. This bill does not just extend what currently exists to same-sex couples but completely changes the institution of marriage.

I noticed recently that the title Campaign Director of Australian Marriage Equality used to apply to the equal status of a man and a woman in a marriage. How things have changed! During the debate there have been a number of people who have referred to the number of individuals and couples in our community who will benefit from this change in legislation, but I refer to the Australian census of 2011, in which out of all the couples in the country only 0.7 per cent identified themselves as being in a homosexual relationship.

In a submission to the Senate inquiry into the Marriage Equality Amendment Bill 2012 family law expert Professor Patrick Parkinson said:

In Australia, functional equality has already been achieved. I am not aware of any legal rights and obligations that arise from marriage that do not also apply to registered same-sex unions, other than the right to call the relationship a marriage. Certainly that is so in federal law. For example, there is complete equality in terms of rights in relation to the division of property and the payment of maintenance on relationship breakdown.

Terri Kelleher from the Australian Family Association cites recent research and argues:

Although the family takes many forms in contemporary Australian society, it is uncontroversial to insist that the ideal family environment is that in which children are raised by their own mother and father. According to a 2004 study, 73.6% of children under 18 in Australia live with their biological parents in intact families. It is a statistic we expect most Australians would applaud: the more children growing up in such circumstances, the better. The institution of marriage is instrumental in realising this ideal, by binding a man, a woman, and their biological children in a stable family unit.

The Ambrose Centre for Religious Liberty, in its recent public submissions on the bill, cited Frank Furedi in the *Australian* on 25 and 26 June 2011:

From a sociological perspective, the ascendancy of the campaign for gay marriage provides a fascinating story about the dynamics of the cultural conflicts that prevail in Western society. During the past decade the issue of gay marriage has been transformed into a cultural weapon that explicitly challenges prevailing norms through condemning those who oppose it … As a result, it does not simply represent a claim for a right but a demand for the institutionalisation of new moral and cultural values.

Men and women are free to enter into whatever relationships they desire as long as in doing so they do not endanger others under the law or in any other way demean other relationships. However, I would argue that marriage as it is currently defined under the law reflects the wider societal views of that relationship as being between a man and a woman. The suggestion that same-sex marriage is a fundamental human right is not a genuine claim. The European Court of Human Rights has in the past three years twice stated that there is no human right for same-sex marriage. I concur with the view
by Australian human rights lawyer Father Frank Brennan AO, former chairman of the National Human Rights Consultation Committee and an expert on discrimination, who has written:

Instead of stating 'All persons have the right to marry', the International Covenant on Civil and Political Rights provides: 'The right of men and women of marriageable age to marry and to found a family shall be recognised.' The Covenant asserts: 'The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.'

Some people have quoted the case of Gladys Namagu and Mick Daly and how that demonstrates the arbitrary nature of marriage arrangements at that time in relation to Indigenous Australians. Gladys, an Indigenous woman, and Mick, a white man, were denied the opportunity to marry as Indigenous Australians did not necessarily have the right to marry a person of their own choosing. This kind of discriminatory treatment in marriage was to change after a long struggle, including the 1967 referendum campaign and the changes to the system of fault based divorce in this country. After 1975, we saw a more humane approach to the already difficult decision to end a marriage. I believe that these cases demonstrate true discrimination and improvements in human standards, but I am far from convinced that the changes proposed in this bill relate to discrimination. They relate to the definition of marriage, not discrimination.

Before I move on to talk about the views of constituents, I would like to cite what has happened in Massachusetts. On 18 November 2003, the Massachusetts Supreme Judicial Court declared that it was unconstitutional not to allow same-sex marriage. Same-sex marriage commenced within six months and within three years it was taught in all levels of school—that same-sex marriage was a normal part of society. By 2006, as same-sex marriage was legal, a federal judge had ruled that schools had a duty to portray homosexual relationships as normal, despite what parents thought or believed. Businesses had to recognise same-sex married couples in all the benefits, activities et cetera regarding employees and customers. The wedding industry is required to serve the homosexual community if requested. Wedding photographers, halls, caterers et cetera must do same-sex marriages or be arrested for discrimination. Is this what is going to happen here in Australia? Interestingly, Denmark, the first country in the world to recognise civil partnerships for same-sex couples, this month legislated to force the church to provide same-sex weddings. Scotland is currently considering introducing same-sex marriage laws and is not even considering exemptions.

The Senate committee inquiry made a recommendation to include an avoidance of doubt clause as a concession to the religiously minded community and the churches. The removal of doubt with respect to the operation of section 47 of the Marriage Act is to reinforce a view that ministers of religion will not be compelled to solemnise same-sex marriages. However, as we all know, churches and ministers remain at the mercy of the government of the day. Church-run schools could be subjected to anti-discrimination laws in regard to what they can teach on the subject of marriage. The reassurance which the recommendation is seeking to offer is hollow and merely technical in nature rather than a matter of substance. What is the next step or are we to be promised that this will not happen again?

I now want to talk about the issues that have been raised in the thousands of letters, emails and constituents' calls to my office.
The following is a representation of the views of many Tasmanians as well as people from the mainland of Australia. Two-thirds of the correspondence received were opposed to same-sex marriage. Many of the communications were long and detailed. Clearly this is a major issue for people and of deep personal concern to them. They put a lot of effort into their communications. When I move around my constituency in my home state of Tasmania, apart from the activists who are pushing this same-sex marriage agenda, I find people in the community are more interested in education, health, their homes, paying their mortgages and having a job. They are the priorities. Those in Tasmania who purport that the majority of Tasmanians support this change will see what happens with the Tasmanian bill, which has been passed by the House of Assembly, when it is put to the Legislative Council next week. We will see whether the bill passes that state and whether it will lead to a High Court challenge.

If I could just quote some of the correspondence that I have received. Firstly, from BB: ‘Please do not change the definition of marriage between a man and a woman. Remember Australia has signed the UN charter on the protection of children and womanhood in the marriage state.’ From JS: ‘Marriage is a very ancient and most important institution in our society. It certainly predates the modern state. It was accepted by the people as the one way of providing for successive generations. There have always been anomalies in the institution, as in all institutions that cater to mankind. However, the acknowledgement that it was a necessary part of society was universal. What is the big discovery that has been recently made that calls for the change in marriage? There is no such discovery. There is only a misguided plea by the homosexual groups, who want to have a society that accepts their lifestyle. History shows that the homosexual groups always have another issue that must be addressed. After same-sex marriage, what will be next?’

From AR: ‘I would like to express my non-support for gay marriage legislation. My reasoning isn't that I want to restrict benefits and rights for gay people. It is simply that a gay relationship isn't marriage. You would have to change the meaning of the word, and I do not support changing the meaning of marriage, because there is no need to do so. I do not believe there is any inequality involved in leaving marriage as it is. Homosexual relationships already get recognition and benefits.’

From SP: ‘I wish to state categorically that the stability of our nation's future depends on families as our foundation and ask that this only be changed by referendum so as not to fall prey to the militant lobby groups with an agenda to destroy marriage.’

From D and AO: ‘Most of the world has chosen not to change the definition of marriage. Those who seek to change the definition ignore the impacts on children and the potential to create another stolen generation by putting an adult desire above the needs of children. Regrettably, discrimination still occurs in society. People, children, are often discriminated against because of their weight, clothing, tattoos, body piercing, religion and the schools they go to or went to et cetera. The solution to this is for people and the media to be taught that all people are to be respected. As you will be well aware, any discrimination against same-sex couples was removed when the government changed laws in 2008.’

It is very easy to run an emotional argument. I do not believe there is anyone that will contribute to this debate that would be opposed to recognising the love and commitment that same-sex couples have for
and to each other. We all have family and friends who are gay and lesbian. That does not change my position, and it certainly has not changed the position of that overwhelming majority of Tasmanians who have contacted me and asked me not to support this bill. I will read, finally, this brief quote from one voter, which is very clear, 'This voter does not want the Marriage Act changed.' While these are just a few extracts, and whether you agree or disagree, these are the sentiments of the majority of constituents who have contacted my office—and my job is to voice their opinions.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:25): This issue around the Marriage Amendment Bill (No. 2) 2012 is extremely pertinent to the structure of everything that our nation is and has been built on. If you go to the core of the issue, a child has the right to know who their biological parents are. They have the right to know who both their mother and their father are: who the people were who were the component parts of the initial stages of their life.

Marriage is an institution, a custom, that surrounds itself with trying to reinforce the reality of nature. It is a process that has been created in so many cultures and in so many religions over so much time. Some say it is merely a construct of legislation, but it is not. It is actually a construct of the reality of who each one of us is. Family is the most effective policy that any government can stand behind. The family is the greatest aged-care policy. The family is the greatest law and order policy. The family is the greatest housing policy. The family is the greatest education policy. The family is the greatest health policy. The ramifications of going into that institution of marriage, which is at the centre of what the family is, are way beyond merely a statement of what a person wants and desires.

It is also really important to understand that it is just another reality of the world that you cannot have everything just because you want it. Everybody has to make sacrifices. We all want so much, but marriage itself is a statement. It is not the gaining of rights but the acquiescing of rights. It is basically about stepping away from rights. If you want to keep all your rights then the best way to do it is to not get married, because then you have all the rights. It might not be the ideal set-up. You can have children if you want. You can do whatever you want; there are no real bounds. But the statement of marriage is a statement that you are prepared to acquiesce your rights and to go into a situation where all those rights that you had formerly are not there.

In trying to get to the centre of this issue, it is also important to try not to offend or belittle other people. We live in a time now where there is no novelty in knowing people who are gay. They are around everywhere; they are in everybody's family. That is the reality of the world. But it takes courage to say, 'Just because there is a familiarity and there are so many people I know who are gay, that does not mean I have to agree with everything that everybody wants.' That is another reality. In trying to draw a picture, without trying to belittle it, I might be a Buddhist who wants to call myself a Christian. Well, I cannot. If you are a Buddhist, you are a Buddhist; if you are a Christian, you are a Christian. You cannot say, 'I demand my right as a Buddhist to call myself a Christian.' It is just ridiculous. It is not what you are. It is a terminology that does accept that you can be both.

If you want to be married, because of the requirements of nature, it involves a male and a female connection for the hope and possibility of having children. You cannot do it with a male and a male. You cannot do it with a female and a female. It is just not
possible. The institution of marriage stands ultimately behind the reality of nature. It does not matter what piece of legislation we pass; you cannot change nature. You cannot change that reality. But what we can do is go down a path of a new form of social engineering—about which we really have no idea of the consequences. If you believe in conservation, then conservation of the structure of society that has sustained us for so long would be a pretty good place to start.

If we redefine the institution of marriage by legislation we must remember that we are not only redefining it for those of us who are here now but also redefining it for those who were here before us. We are redefining it for our parents, for our grandparents and for all those who have gone before us. We are redefining the relationships that they went into and the sacrifices that they made with some legislative recalibration of the process from this point forward. I think most people whose parents are married would say, 'I know what that was and I know what it wasn't.' We do not want to diminish the relevance of our history and the legacy of who we are.

I understand the concerns that are held by other people who say, 'I feel that if I do not have the capacity to call myself married I will feel diminished.' There is not much that we can do about that. The reality in life is that there are always things that you cannot have. There are things that I cannot have. I think it is really important that in this debate we try to respect everybody's views.

Stacy Aronson and Aletha Huston, in their article, 'The Mother-Infant Relationship in Single, Cohabiting, and Married Families: A Case for Marriage?' in the Journal of Family Psychology, found that children in married homes demonstrated more positive behaviour and scored better on a range of demographic variables. In this study, attitudes about child-rearing, income and social support failed to explain variations in living arrangements, suggesting that the make-up of the family before conception and birth was vitally important.

A growing number of studies have found that children who experience changes in their living arrangements suffer worst development outcomes on average. A study in 2006 by Shannon Cavanagh and Aletha Huston found:

Children who experienced instability had higher teacher and observer reports of problem behaviors than those from stable family structures.

That is not to say that every marriage works out—we know that about 40 per cent of marriages do not—but it is the aspiration of what people go into. Nobody goes into the act of marriage hoping to get divorced; they go into the act of marriage hoping to stay married. To be honest, I have never seen any person who is happy with the fact that they have had an unsuccessful marriage. I have always seen people who wished that their marriage had worked out, who wished it had been better, who wished that they could have had their time again.

So there is a huge weight on the institution of marriage and what goes into it. To say, 'I'm going to compare a dysfunctional marriage with a successful relationship between same-sex people,' is not a fair comparison. Anyone can go to any anecdotal analysis and find same-sex people who are cohabitating happily and you can find lots and lots of families who are very, very happy. And you can certainly go to lots and lots of gay relationships which become bitterly unhappy and you can go to lots of marriages that become bitterly unhappy. But the undisputed reality is that children who have been brought up in a stable relationship with a mum and dad have the best chance—not a perfect chance, but the best chance—to
get their best development environment surrounding them.

Other studies show the importance of children, particularly male children, having a positive relationship with their father. In 2006 an article in the *Journal of Family Studies* used a nationally representative sample of adolescents in the National Longitudinal Survey of Youth. This article found:

Consistent with our initial hypothesis, a more positive father-child relationship is associated with a reduced risk of delinquency and substance abuse above and beyond the effects of the mother-child relationship. These results remain consistent even after using controls for various aspects of mother-child relationships, maternal monitoring and other maternal characteristics, family and household-level characteristics and child-level characteristics.

We interpret this as meaning that fathers matter. Likewise, a study in the *Journal of the American Academy of Child and Adolescent Psychiatry* in 2006 found that living in a broken home at age eight increases the chances of children committing criminal offences in late adolescence. These findings are confirmed by a study in the *Journal of Pediatrics*, which found that children and families without a father are more likely to be in fair or poor health.

Once more, this is not a statement that every child who is in a broken home ends up in poor health or ends up with a criminal record. It is not saying that at all. It is just talking about the realities of the probabilities. Stability in structure that confirms and reaffirms both a mother and father figure is the best environment for a child to grow up in—and, the closer that mother and father figure is to the genetic make-up of the child, the better it is.

Behind all this stands the nature that underpins the reality of what a marriage is. Cultures in so many different areas have reaffirmed this. Cultures with no interconnectivity between each other, which have come up with their ideas independently of each other, have all come to the same conclusion, that a marriage is between a man and a woman, and they have always signified the importance of it with ceremony, with commitment and with a whole range of laws that surround it. Some are backed by law, some are backed by religion and some are backed by custom, but they are all there. And we cannot now just say that we are going to deny the reality of thousands of years of human custom because we choose to, because we are desirous of it, because we want to, because it is our wont—and, because it is our wont, we demand that we ignore all that goes before us because we are desirous of this outcome. You cannot do that. You have to basically take the unselfish position that you cannot have everything you want in the world just because you want it. The statement of marriage itself is not a statement of getting what you want; it is a statement of giving up what you want, and it is a statement of commitment to the purpose.

What is this almost overwhelming political movement to go into every form of tradition and corner and change it, just because there is some group, or some section of a group that is desirous of that? Don't we have to also take into account the possible greater offence to the larger number of people who also stand behind the statement that they are married? Don't their views have some weight in this debate? What about every person who says, 'What about my parents? They were married.' Doesn't that memory, and that legacy, have some weight in this debate? What about the people who say, 'My grandparents were married'? Doesn't that have some weight or legacy in this debate? Why are we always in such a rush to diminish everything else rather than to simply say, 'In this instance I am prepared
to make the sacrifice. I can't have everything I want. I am prepared to make the sacrifices.' It is one of those sacrifices that you make in life and that is it. There does seem to be a desire of selfishness that says, 'For me to attain every desire I want, I am prepared to sacrifice the legacy, the aspiration and the structure of what so many more people, and other people, want to keep.'

All of the studies that I have referred to have clearly confirmed that there are great risks if we re-engineer marriage away from being about the family. There are grave risks to the children's developmental outcomes, and surely such outcomes are just as important as anything else. I hope that this debate shows that in Australia, when we need certain things to be evident, to draw us together, when we see the disturbances that have happened on television and we want some communal values, something that basically draws different faiths together, that draws different groups together, that draws different societies together, if there is one linking principle when there are so many other things that divide people, then marriage is it. Marriage is one of those commonalities that reach out across so many ethnic and religious divides. We say that we are a multicultural nation and it is absolutely imperative that there be some linking ethos, something that links all these disparate groups together. If we are going to say, 'No, we won't even acknowledge that,' we will go into that space as well and destroy it, and remove it. What is a linking principle? Has it just become the vibe, the hope—the hope that there is some connection? Or will we make up some grandiose, flowery statement of what links people together, but the statement will have to say that it means absolutely nothing because it might offend some group or somebody? But there is one area which has the potential to draw so many people together because there is a common view across religions, across faiths and across ethnic groups, and that is marriage.

This is a piece of legislation that says, 'Because we have found our way into this building, we can now redetermine the path of history because we are desirous of it. We can now put aside the cultural clique that has been formulated in so many different areas but has done so in a parallel manner. Whether you are in the highlands of Papua New Guinea, or in Renaissance Rome, or on the plains of America, or in Ireland, or in Africa, all these groups have all come to one conclusion. They have all basically found that one of the key structures of society is the family; and the ceremony that underpins the family, that is the inception of the family, is marriage, under a whole range of different names, and despite all of that we are going to say, 'No, because we are now so modern, so clever, that we can put all of that aside, even though we really do not know what the ramifications are.' That is another thing: we do not really know. You want to tear down the structure that underpins society, but you really have no clue what the ramifications are. It is unwarranted.

In closing, this is not a statement about trying to offend anybody. As I said before, every person in every walk of life has to make sacrifices and has to make choices. You make the choice. If you want to get married, then you have to find someone of the opposite sex for that ceremony called 'marriage'. If you want to be in a relationship with someone of the same sex, that is fine, but it is just not marriage. It is something that you may determine and it may have worth, it may have depth, but it is not marriage. I think that if everybody thinks about it logically, it is yet another sacrifice you make which you can put aside and say, 'If you're not prepared to make that sacrifice, then that in itself is a statement that the sacrifice that you would have to make of
marriage is probably something that you are not prepared to accept.'

Senator DI NATALE (Victoria) (20:44): It is my pleasure to be able to speak on the Marriage Amendment Bill (No. 2) 2012 today. But before I start I would like to acknowledge some people in the gallery who are here for this debate. I would like to acknowledge Shelley Argent, the head of Parents and Friends of Lesbians and Gays. I would like to acknowledge Alex Greenwich, a very, very vocal, passionate and inspiring supporter of marriage equality, who heads the Marriage Equality movement. I would also like to acknowledge Sharon Dane, who is here with Psychologists for Marriage Equality. They are all here to listen to this debate in the parliament.

We have been very lucky to hear some very passionate debate on an issue that gives individuals one of the most important rights that exists—the right for each person to choose whom they love and to ensure that they have that love recognised by each and every one of us. It was a pleasure to hear, for example, the passionate contributions from people like Senator Pratt. You can have this discussion in the abstract, you can have this discussion about people's rights and what it means for the rights of people in the community more generally, but it is only when you hear from individuals who experience the discrimination, who experience the prejudice and who experience the hate that goes along with some of the views that we have heard in this debate that you understand just what this legislation means for ordinary people.

I do not, as a straight man, have the ability to talk about this issue from that personal perspective, but one perspective that I do bring to this issue is that of a health professional. I can talk a little bit about what this legislation means for the health of those people who are affected by the discrimination that currently exists. Before I get onto the issue of the health impacts of this legislation and what it would mean for the health of young people in this country, I want to talk a little bit about the politics of this issue. I am confident that I am on the right side of history; I am absolutely sure of that. I know that reform is inevitable. I know that we are talking about an issue that is about love, that gives rights to people without taking rights away from anyone, that does not cost anything and that makes people happier. So I am confident that we will win this fight. It may not be tonight, it may not be in the coming weeks, but we will win it. Before we get there we have to name what is at the heart of the resistance to this reform—and that is prejudice.

It is prejudice which says that the love between two people of the same sex is somehow less worthy and somehow not the same, not as valuable, not as important and not as significant as the love between a heterosexual couple. I keep hearing from people who oppose this change trying to elaborate on their arguments and trying to find a way of expressing their point of view without exposing their prejudice, but they tie themselves up in knots—they cannot succeed—because prejudice is what lies at the heart of this debate. Occasionally, we also get to hear contributions that do not even try to disguise the prejudice. Senator Boswell, for example, told us last night that same-sex-attracted people were not normal, that they did not have any right to bring up children. I can only imagine what it must be like to be someone like Senator Wong, for example, who has to sit back and listen to that prejudice. They are views that belong in the 1950s, when a woman's place was in the kitchen, when Aboriginal people could not vote, when blacks could not marry whites. That is where those views belong. And I
keep hearing about this notion of family as though the only family that matters in this country is one where there is a heterosexual couple with two kids, with mum back at home cooking the meal for dad, making sure that the washing is done when dad gets back from work. That is the only family that seems to matter to members on my right.

I have a very different view of families. I come from a family where grandma might be at home, where cousins might be wandering through the house and where uncles and aunts might be looking after the kids. I have single friends. I have gay friends. A modern plural Australia means having families who are more than what we hear from one side of this debate, which is the traditional nuclear family. This is a view from the 1950s. I heard the largely incoherent and rambling contribution from Senator Joyce, where, again, all the junk science kept being trotted out. We hear about the issue of kids being brought up with homosexual couples and the outcomes that they experience. This is all discredited. The science is absolutely clear: children who are raised from same-sex couples have the same psychological, social and academic outcomes as children who are raised by opposite-sex couples. We know that now. The science is absolutely clear. But, again, all the junk science is trotted out by those people with a vested interest.

It is very, very clear that when same-sex parents marry it improves both the health and the wellbeing of their kids and it gives their families really important legal protections. Yet, we hear from Senator Joyce that if you do not pass on your genetic material to your offspring it somehow diminishes the relationship you have with your children. How offensive is that, not just to same-sex couples but also to parents who adopt! He has just offended not only people who are arguing for this reform but any family who has been unlucky enough not to be able to have kids and who has adopted their children. The view is that their genetic material has not been able to be passed on and so somehow that relationship is diminished.

I am not going to get too hung up on Senator Joyce and Senator Boswell because they are hardly the heavy hitters of the opposition, but I do find the position taken by the opposition remarkable. We have the party of liberalism, the party that talks about respect for the individual, the party of small government, the party of individual responsibility, and here they are with the heavy hand of the state saying: 'We're not going to let you do this. We're going to vote against what it really means to be a true liberal.' Worse still, they do not have the guts or the courage to allow members of their party a conscience vote on this issue. They will deny them a conscience vote on this issue. You are running away from a debate that you know you will lose. You are absolutely gutless.

I have to reserve some of my criticism for the government. In this country we have, for example, Joe de Bruyn, a unionist and an influential member of the Labor Party, who spoke recently at the Australian Christian Lobby conference, a few weeks before the Labor conference. He said:

The key thing to understand is that this issue is not...going to be won or lost in the Labor Party on the question of merit, because on an issue of merit we will go down 80-20. It’s...going to be won in the Labor Party if it is perceived to be electoral suicide if they go ahead and change their policy...

He is right: there is overwhelming popular support for marriage equality right. We saw Sarah Hanson-Young’s bill, which reported
back with a clear recommendation that federal marriage laws should be changed to give all people the right to marry. They were recommendations that were endorsed by senators across all political parties.

There are 12 countries in the world that have marriage equality—the first being the Netherlands. There are eight states in the US. Barack Obama has shown some leadership, his views have evolved and he has now voiced support for same-sex marriage. There is a conservative Prime Minister in New Zealand with a marriage equality bill coming before the parliament. David Cameron is another conservative leader and he is indicating that he will support reform in this area. And we have a situation where the rank and file of the Labor Party believe that this should happen and we have a Prime Minister who has gone missing. There is no leadership. She had an opportunity to take this debate on, to confront prejudice in a way that the opposition has clearly failed to do, and she squibbed it. She disappeared. It is disappointing that a Prime Minister who has done good things across some progressive issues has decided to walk away from this debate and this fight.

I have a few comments about the impacts on health that this legislation will tackle. As a health practitioner, as a doctor, I am acutely aware of how issues of discrimination and stigma can affect people’s health and wellbeing. When we say that people of the same sex cannot get married, what we are saying to them is that their relationship is second-rate, that the decisions that they have made are less worthy and that discrimination against gays and lesbians is okay. It sends a very clear message to young people who are struggling with their sexuality and are confronting issues of identity—who they are—that their hopes for a long and fulfilling relationship with a partner who they love are in vain. In fact, the research is very clear on this point.

We recently had a contribution to this debate by Jim Wallace from the Australian Christian Lobby and Archbishop Jensen, who said recently that being gay is more dangerous than smoking. In one sense he is right, because discrimination is dangerous, because prejudice is dangerous. By his logic, being Aboriginal is more dangerous than smoking. The health impacts that are associated with people’s sexuality are a consequence of discrimination and stigma. They have nothing at all to do with the choices that people make. We know, for example, that if you are same-sex attracted you are more likely to smoke, more likely to have had a chronic condition, much more likely to have experienced high levels of psychological distress, more likely to have had suicidal thoughts and plans, and more likely to have attempted suicide. Those statistics, as shocking as they are, have nothing to do with being gay and everything to do with the social prejudice, discrimination and violence that is perpetrated against lesbians, gay men and bisexual people.

Work in this area has been done for a number of years and we know that there is a psychological condition where people who are part of a minority experience particular stresses that are the consequence of the adverse social conditions that are experienced by members within a stigmatised social group. We saw one of those submissions to the recent Senate inquiry, pointing to the extensive research that demonstrates that one of the major implications for people who experience this sort of stress is that it increases their vulnerability to mental illness, because people internalise the negative messages that come from stigma and discrimination.
It is really critical that we tackle this issue head on, but we also need to tackle the people who make contributions in this debate and make an argument that suggests that it is something to do with the very essence of being a same-sex attracted person rather than the consequences that flow from the hurtful language that those very people themselves demonstrate. So it is clear that we need to do everything we can. I can tell you that when you have a young kid sitting in front of you who presents with a history of depression, anxiety, suicidal thoughts and they are wrestling with the notion that they may be same-sex attracted, and we as a community send out messages to that young child that say, 'Your love is somehow wrong; the attraction you feel for another person is somehow wrong,' we make that person's health worse. This is a health issue as much as it is an issue about the basic rights of individuals.

I am confident that we are going to make progress in this area. I am absolutely confident of that. I just think that in a nation like Australia, which has taken on so many important reforms, which has taken on prejudice when it comes to our Indigenous brothers and sisters and when it comes to the prejudice that women experience and the gains we have made in those areas, it is only a matter of time before we make gains in this area.

I know that Australians value a fair go and they value the notion of equality before the law, and they are values that are compromised by marriage discrimination. My own experience around marriage is something that I have reflected on through this debate. For me marriage was about being able to make a public commitment to my partner and being able to share the commitment that I made to my partner with those people closest to me. Being able to celebrate the love that you have for your partner in front of the people you care about and to have that love legally recognised by your community and by the state should be the right of each and every Australian, yet we are denying that right to same-sex couples today.

Marriage has never been a static institution. It has changed. We heard about the issue of no-fault divorce. There have been big changes to the institution of marriage, and this is one more change along that journey. By legislating for marriage equality we do send a positive message to young people who are coming out and coming to terms with their sexuality that your community accepts you, that your relationships are equal and valid and that your community loves you just as they love every member of that community.

It is no longer acceptable for both Julia Gillard and Tony Abbott to impose their views on the entire Australian community. If nothing else, they should move out of the way and ensure that all of us in this place are able to express our views as individuals in an attempt to stamp out discrimination by legislating for equality in the Marriage Act. Love does not discriminate and neither should our laws. The time will come, and it is only a matter of time. As my colleague Senator Ludlam has said, I am sure it will be soon. It will be a great day for this parliament and I welcome that day.

Senator CAMERON (New South Wales) (21:02): I am pleased to participate in this debate and I support the bill before the chamber. I think it is important that this chamber vote to remove discrimination against our fellow Australians who are gay, lesbian, transsexual or intersex. I think this bill has been misunderstood by some speakers in this chamber. I think it would be good just to go to the main points of the bill.
before I go to the arguments as to why I support the bill.

This bill will amend the Marriage Act 1961 to ensure that all adult couples who have a mutual commitment to a shared life have equal access to marriage. The bill seeks to end discrimination against same-sex couples who wish to have their relationships recognised by the state by amending the definition of marriage that is currently in section 5 of the Marriage Act 1961. At the same time, this bill protects religious freedom. The bill will permit a minister of religion, a person authorised under a state or territory law or a marriage celebrant authorised under the Marriage Act 1961 to perform a marriage between same-sex couples and will permit that marriage to be recognised in Australian law. In addition, amendments to section 47 of the act will reinforce the existing provisions that ensure that a minister of religion is under no obligation to solemnise a marriage where the parties to that marriage are of the same sex. That is the guts of the bill. It does not force any obligations on a minister of religion but what it does do is give our fellow Australians who are gay, lesbian, transsexual or intersex the same rights as every other Australian.

I became extremely concerned about the need to give gay couples the right to marry after one of my constituents, a mother of a gay son, rang me about three years ago and took me through in great detail the discrimination, the violence and the mental trauma that her son had to endure as a young gay man. When we hear about the problems for a gay son or a gay daughter it did not strike me until that mother spoke to me about the problems and the intimidation that her son had faced that this was not only a problem for the gay son; it was a problem for the whole family. It was a problem for the gay son’s mother, his father and his siblings, and the family were basically living in what she described to me as a siege mentality about trying to protect her son. I thought, ‘This is Australia’—I think it was in about 2010—‘how can we continue to tolerate this type of intimidation and discrimination against a young Australian man?’ How can we? I say that we need to deal with it now.

After I spoke to the mother, I decided to come out—no, I didn’t 'come out', but I did decide to say I would be very vocal in the Labor Party to say this discrimination had to stop, because quite frankly I was disgusted that gay members of the Labor Party had to basically deny their very being because of a policy position the Labor Party had that said: 'Marriage is between a man and a woman and you as a member of the Labor Party are not as equal as other members of the Labor Party.' It is not just in the Labor Party we have this; we have had High Court judges who are gay. We have police, who you expect to go out and protect you when you are in trouble, who are gay. We have brain surgeons, surgeons, lawyers, doctors and nurses who are gay—people that we expect to come and help us in our moment of need. And yet we say to them: ‘Because of your sexual preference, you are not equal. You cannot get the same rights as other Australians.’ I think that is wrong. I think the Labor Party needs to deal with it, and we have taken one small step towards dealing with it.

I agree with the other speakers who have said that, regardless of the outcome of the debate tonight, history is on our side and we will change this and we will make sure that the young Australian man from Greystanes who has suffered all that humiliation, violence and intimidation will have the right sometime, and sometime soon, to make a commitment to the person that he loves and marry that person. That is what we need to do. I think we have to do it. I think it is extremely important.
Not long after that mother rang me and after I publicly indicated my support for same-sex marriage I was in Albury and a gay man approached me at a meeting I was at and thanked me for coming out and saying that everyone should be treated equally. Again, the story that that man who lived in the country told me he had suffered in terms of discrimination his whole life would make you weep. It was just terrible. That is because we have stigmatised gay people over the years. We have treated them as if they are not normal. I do not want to personalise this debate, because I think it should be above the personal, but some of the contributions that I have heard—as I have listened to a lot of the contributions—are certainly rooted back in the fifties and sixties when we were not as sophisticated as we are now, when we did not accept that people had the right to have sexual preferences that were different from heterosexuals.

I also want to thank my friends and colleagues in Rainbow Labor. It is pretty hard when you are a member of a political party and you have got gay, lesbian, transsexual and intersex members of that party who belong to a party that says, 'You are not equal; you will not get the right to marry.' I cannot look my comrades from Rainbow Labor in the eye and say, 'You should be treated differently from other people in this country.' I just won't do it. I don't think it's right.

I take the view that activists and courageous people like Senator Pratt are absolutely right in getting out there and supporting their right to have a marriage. The arguments I have heard tonight from some in the chamber about how a child will be disadvantaged by being brought up by a gay couple I think deny the reality of some children facing absolutely terrible lives with heterosexual couples. Gay couples who make a commitment to a child, in my view, make that conscious decision that they want a child, that they love that child and they will look after that child, and I think some of the arguments are quite offensive. It is offensive to argue any other way.

I come to this debate from a working class background. I was brought up in Lanarkshire in Scotland—a place called Bellshill that was pretty renowned for the sectarian divisions in that area of the west of Scotland between Catholics and Protestants. Years ago it was frowned upon if a Catholic married a Protestant or a Protestant married a Catholic. We have overcome that, so we have matured as a society and things are getting better. But in that working class background that I had there was a culture of discrimination, intimidation and violence against gay and lesbian people. I think it is reprehensible that we have not tried to deal with it before. It was fuelled by fear and fuelled by ignorance; it was fuelled by religious and cultural intolerance; and it was fuelled by a legislative discrimination in Australia even up until recently and right now.

I come to this debate not only as a working class man who has witnessed the discrimination and intimidation of gays; I come to this debate as a married man. I did find it quite offensive for Senator Brandis to generalise about the view of the Left on marriage. Yesterday was my 41st wedding anniversary, so I know a bit about marriage.

Senator Williams: Poor Elaine!

Senator CAMERON: Not 'Poor Elaine'—I am very lucky to have met Elaine over 40 years ago. For Senator Brandis to say that the Left mock and deride marriage is just a nonsense. I could never have been prouder when I married my wife, Elaine. I did it in a civil marriage because Elaine was brought up a Catholic and I was brought up a Protestant, and 40-odd years ago that was still an issue, let me tell you. It was one of
the reasons Elaine and I decided we would like to come to a country where religious discrimination would not be imposed upon my kids and my grandkids, and we have been lucky enough to do that. I suppose there are parents of gay couples who would want to be in a place where they can get some relief from the discrimination, and Australia should be that place and we should be making a big commitment to that tonight.

The argument from Senator Brandis that the Left mock and deride marriage is a nonsense. Another one of the proudest moments in my life was when my daughter, Lynn, got married. To have my daughter marry was of great pride to Elaine and me, but again it was a civil marriage. It had nothing to do with religion. There seems to be a thing in my family: my mother was a Catholic, my father was a Protestant, my daughter has married a Catholic and she was brought up with no religion because I am an atheist. I do not believe in religion; I do not think religion should be imposed upon anybody. If you want to be religious, my view is you have the right to be religious—that is part of people's rights—but a civil marriage is no less important or valid than a church marriage.

Senator Brandis said that marriage is an institution based on law, custom and religion. Well, Senator Brandis, you are wrong. My marriage of 41 years was not based on religion. You hear much about the sanctity of marriage in these debates. My marriage is not based on sanctity; it is based on love. That is what my marriage is based on. And gay couples should have the same right to base their relationship on love and be married. My marriage is not about any holy writs, it is not about religious vows or beliefs. It is about love, it is about mutual support, it is about care, it is about understanding, it is about dealing with life's ups and downs together. And why should a gay couple not be able to have that type of relationship under the Marriage Act in Australia? I just do not understand why not. We are not saying that the religious should change their views. If people want to belong to a religious group who say that gay marriage will not be recognised, so be it. I think it is wrong; I think it is dumb; I do not think it is based on a proper interpretation, as I understand it, of religion, but so be it. If that is what they want to do, I think that is okay. I cannot understand the logic of religion or custom being used to deny our fellow Australians who are gay the capacity or right to commit to each other and declare their love through the legal act of marriage.

Senator Brandis said everyone is entitled to their view of what marriage is, and I agree. But marriage is not and cannot be solely a religious or unchanging cultural institution. It never has been and it never will be. Marriage is a constantly changing institution. It is not about setting aside the history of civilisation, as I have heard in this chamber in the past couple of days; it is about learning the lessons of history. It is about evolving in marriage. It is about tolerance and understanding.

I take the view that the most sensible National Party member I have heard on this is the Hon. Trevor Khan, a National Party member in the New South Wales upper house. In an opinion piece on 25 June he said that 'support for marriage equality by conservatives is both rational and sensible'. He quoted David Cameron, the British Prime Minister—he is not my relative; he is one of the black Camerons, this guy—who last year said:

Yes, it's about equality, but it's also about something else: commitment.

This is the British Prime Minister. He said:
Conservatives believe in the ties that bind us; that society is stronger when we make vows to each other and support each other.

So I don’t support gay marriage despite being a Conservative. I support gay marriage because I’m a Conservative.

I am not here arguing the conservative line, but the arguments I have heard from the conservatives in the Australian parliament have been so far away from a logical position that it just makes you wonder what is going on. The Hon. Trevor Khan makes some very important points. He says:

My father has since acknowledged that he regrets not attending my commitment ceremony in 2006, adding that ‘I pray I will be given the opportunity to right my wrong and see my eldest son legally marry the man he loves’.

Again, it shows that people’s views are changing. The fathers and mothers of gay people want the same rights for their children as heterosexual couples. The Hon. Trevor Khan went on to say:

It is time for all of us to soften our hearts and accept that the expression of love and commitment through marriage should be available to all couples, irrespective of sexuality.

I wish that issue had been debated at the National Party conference at the weekend because I think that would have been a good use of the time of that conference: showing compassion and understanding the need to treat everyone equally and give gay couples the right to marry just the same as heterosexual couples because it would be a better Australia if we did.

Senator BERNARDI (South Australia) (21:22): I have spoken many times in this place about the importance of traditional marriage. In fact, I spoke about marriage in my maiden speech in this place over six years ago. In that speech I said:

Marriage has been reserved as a sacred bond between a man and a woman across times, across cultures and across very different religious beliefs. Marriage is the very foundation of the family, and the family is the basic unit of society. Thus marriage is a personal relationship with public significance and we are right to recognise this in our laws.

I have been and always will be a strong supporter of traditional marriage and its current definition, being a union between a man and a woman. Marriage is accorded a special place in our society because it is a union that is orientated towards having children, thereby ensuring the continuation of our population and civilisation. Society benefits from marriage, so marriage is accorded benefits by society. At the base level marriage is concerned about what is best for society, rather than being concerned about the so-called rights of the individual. Changing the definition of marriage would indeed change the focus of the institution itself. It would put the focus on the desire of adults, as opposed to having the focus on the production and nurturing of an environment for the raising of children for the benefit of society.

I know that not every marriage has children but marriage is a foundation for the family unit upon which our society is built. It has proven itself as the most sustainable and effective social support and training environment for our future generations. I recall columnist Miranda Devine quoted a UK Family Court judge in 2010 in which he noted that family breakdown is the cause of most social ills and that, despite its faults, marriage should be restored as the gold standard and social stigma should be reapplied to those who destroy family life.

The Australian Institute of Family Studies has found that children of married couples benefit from marriage because they have higher levels of social, emotional and educational development in comparison with children who do not live in that traditional environment. Married mothers are more
likely to be employed or hold a university degree and married-couple families are less likely to come up against financial problems. While the authors of the research were keen to stress that this is because of a family's financial situation and the educational qualifications of the mother, it does give me cause to wonder: doesn't marriage itself help to provide financial stability and better outcomes? That seems to be a case for opening marriage up to any environment and to any union of two people, as Senator Cameron said, who happen to love each other, but in a family environment it is children who should be the primary concern and children benefit from having both a male and a female role model living in a house—two people that love each other in a permanent union.

We have all seen the sad effects of marriage breakdown and the adverse impacts it can have on children. We have to also acknowledge that today families do not always come as the gold standard where mum and dad do live together under the one roof of a house and love each other and provide that nurturing environment. I have always said that a child is better in any environment where it is loved and that is irrespective of the circumstances, but it will not stop me from advocating that traditional marriage is the absolutely best environment for the rearing of the next generation. So whatever the forms that families take in this modern day and age—and they do come in so many different forms with some people being individual parents and indeed same-sex couples also raising children and they all do an amazing job in the circumstances—as I said, I will not stop focusing on the importance of promoting and encouraging the traditional family. But simply because marriage is important that does not mean that we should redefine it. We should not open it up to all comers, because I think it would actually devalue the institution.

The move for same-sex marriage is just another step in what I consider an attack on our enduring and important institutions, particularly the social ones. It is another tear in the fabric of our social mores. The proponents of same-sex marriage, and I do not mean to generalise but this is about many of the proponents of same-sex marriage, ask for one step and they think that is all they want or they say that is all they want and they will be satisfied when this has been achieved—'Just this one thing; give us that and that will be okay and all inequality will be diminished and everyone will be equal and it will be fair'. But the harsh reality is that there will never be equality in society and there are always going to be people who feel that they have got a raw deal or have been discriminated against or do not have the same access to opportunities or advantages as others do, and to pretend any differently is really to deny reality. But history demonstrates that once those who advocate for radical social change, which I consider this to be, achieve it in any way, shape or form, there is then another demand and another demand and another demand and they slowly chip away at the very foundation of what provides our social support, stability and cultural mores and we are left with a replacement that is somehow vastly inferior to the wisdom of successive generations.

I recall that in this place only a few years ago people pushed for the same entitlements and benefits for all relationships that were then held by married couples. This was achieved. I opposed it at the time because my point was that just because people are in a sexual relationship that does not mean that they should be afforded the same rights and privileges as society affords those in traditional marriage, and I have outlined some of the reasons for that. Indeed, I
advocated at the time that if it is about genuine equality and interdependency then we should advance this to interdependent relationships in which there is no sexual engagement. There are any number of those relationships, including people who live together and share bank accounts and expenses and who, for all intents and purposes, share their lives without having a sexual or physical relationship. But that was rejected, I suspect because it was not really about equality. It was not about interdependency and it was not about sharing your life with someone; it was about chipping away at the institution of marriage.

The legislation got through and I lost that debate—you win some and lose some in this business. At that stage I was one of many saying this was another step that would undermine marriage. Today we see the next step. This is another push—it is not the first time and it will not be the last time—for same-sex marriage. Time and time again the techniques of the radicals who seek to overturn the social institutions and social fabric of our society are out of step with the priorities of mainstream Australia. No-one out there that I have come across says this is the most important issue facing Australia. There are enormous social and economic problems in this country, and this debate will not solve any of them. Time and time again the same characters seek to tear down our institutions that have been built and have sustained our civilisation for thousands of years. The time has come to ask: when will it end?

If we are prepared to redefine marriage so that it suits the latest criterion that two people who love each other should be able to get married irrespective of their gender and/or if they are in a sexual relationship, then what is the next step? The next step, quite frankly, is having three people or four people that love each other being able to enter into a permanent union endorsed by society—or any other type of relationship. For those who say that I am being alarmist in this, there is the polyamory community who were very disappointed when the Greens had to distance themselves from their support for numerous people getting together and saying they want to enter into a permanent union. They were disappointed because they were misled that this was about marriage equality and opening up marriage to all people who love each other.

There are even some creepy people out there—and I say 'creepy' deliberately—who are unfortunately afforded a great deal more respect than I believe they deserve. These creepy people say it is okay to have consensual sexual relations between humans and animals. Will that be a future step? In the future will we say, 'These two creatures love each other and maybe they should be able to be joined in a union.' It is extraordinary that these sorts of suggestions are put forward in the public sphere and are not howled down right at the very start. We can talk about people like Professor Peter Singer who was, I think, a founder of the Greens or who wrote a book about the Greens. Professor Singer has appeared on Q&A on the ABC, the national broadcaster. He has endorsed such ideas as these. I reject them. I think that these things are the next step. As we accede to one request we will then have the next one which will be for unions of more than two people. We will have suggestions for unions of three or four people. I notice the Greens are heckling, but the point is that they misled their constituent base and there was an outcry about this. Where do we go then? Do we go down the Peter Singer path? Those that say this is the end of the social revolution have no history of being honourable about that. They continue to push and challenge our social and cultural mores. We simply cannot allow
such an important social institution to be redefined, especially when Australians do not see this as a priority issue.

Senator Cameron was critical of his party denying some of the people in support of same-sex marriage a conscience vote, the ability to speak up in favour of what they thought was important. He neglected to mention that the Left of the Labor Party had never really supported a conscience vote. In fact, they sought to change the party's position to support same-sex marriage. That meant that those that had a conscientious objection to it would have been bound by the Labor Party's platform to support same-sex marriage. On the one hand Senator Cameron decried the fact that some people could not vote according to how they felt and yet he was one of the architects of this, along with people like Mark Butler. In a story in the Sydney Morning Herald Mark Butler is said to be one of those who believes that those who support traditional marriage should not be allowed to put their position forward.

I understand that this is a very sensitive debate. I also understand that senators on both sides of this chamber have very strong views. I understand some of these views are born out of personal experiences or those of loved ones and some are born out of their idea that this is a fairer and more equitable way to proceed. We have seen demands and requests for surveys of what is going on in the electorates. That was put forward by Mr Bandt in the other place. He asked for members of parliament to report back on what their constituencies thought about this argument. I have to say that a significant majority—some have suggested as many as two-thirds—reported that their constituents broadly supported marriage being retained as between a man and a woman, as was endorsed by this parliament some eight or 10 years ago.

In standing up for traditional marriage, advocates are not saying that one group is better than another or that one group is superior to another. This is, in my view, about defending what is right and what is important for society. Last year I read an article by a 19-year-old university student Blaise Joseph, who wrote:

Marriage laws are fundamentally a question of what's best for society rather than a question of individual rights.

That view, in one way, shape or form, was shared by over 32,000 people who wrote in favour of traditional marriage to the recent Senate inquiry.

Add these views to MPs' electorate surveys and the calls and emails I get from my own constituents and it is very clear to me that many Australians want to protect the notion of traditional marriage, for many valid reasons. These people have, in some instances, put aside their fears of being branded as intolerant, uncaring, heartless or in support of inequality by those people who profess to be tolerant of other points of view and who, in my view, look to degrade the notion of marriage. These people who have stood up against same-sex marriage in the face of a very vocal campaign are to be commended in this current culture of political correctness, where those who apparently disagree with the wisdom of the elites are somehow howled down and demonised publicly.

I am sure there are millions more Australians who share these sentiments irrespective of whether they have spoken publicly about it. I will continue to stand with these Australians and to fight for traditional marriage because I believe it is what the people of Australia want. More importantly, I think it is the right thing to do both for our children and for our society.
Senator WRIGHT (South Australia) (21:39): I rise today to speak on the Marriage Amendment Bill (No. 2) 2012. The Greens and my colleague Senator Sarah Hanson-Young in particular have long been working to change the law so that, finally, all Australians can marry the person they love no matter their gender or sexual orientation. There are so many good reasons to achieve marriage equality at this time in our history, but the most compelling for me is quite simple: it is about recognising and celebrating loving and committed relationships. Basically, I believe we just cannot have too many of them.

Relationships are like everything in life. They are the basis of everything we do, everything we achieve and our deepest sense of self. They are our connection with other human beings and the framework for social cohesion and strong communities, and I believe that committed, loving, loyal relationships, whether sexual or platonic, are the gold standard. Surely any society worth its salt would seek to uphold and embrace loving, committed relationships and do anything to encourage, support and celebrate them, and to support those of its citizens who wish to formalise them. Allowing people to marry is one very powerful way to do that.

There can be no doubt that the time for this change is now. We know that marriage equality now has broad support in the Australian community: 64 per cent of Australians support marriage equality and 61 per cent of married people support marriage equality. Interestingly, polls show us that support among coalition voters is the highest it has ever been—more than half, at 52 per cent. Many church groups support marriage equality. Fifty-three per cent of Australian Christians support marriage equality.

The Australian Greens’ Marriage Equality Amendment Bill, introduced into the Senate by my colleague Senator Hanson-Young, has the strongest cross-party support. The Senate committee inquiring into the bill, which included Australian Greens, ALP and coalition MPs, recommended that all Australians should be equal under the law, including under the Marriage Act. In short, we know that this change has support from parliamentarians across the spectrum and Australians of all ages and in every corner of the country.

It is interesting that Barack Obama’s view has evolved over time, and ultimately he has come out and voiced his support for equal marriage in May this year. It is clearly time for this inevitable reform but, in Australia, both leaders of the old parties are still standing in the way of history. I call on them to show real leadership on this issue now. I urge the Prime Minister to allow members of her party to champion this reform which seeks to apply the very policy of the Australian Labor Party. I urge the Leader of the Opposition, Tony Abbott, to have the decency and courage to be true to the traditions of his party—the so-called Liberal Party—and allow members of the coalition to vote according to their conscience. It is time for leadership in this Commonwealth parliament. Some of the states—Tasmania and South Australia—are leading the way, but it is infinitely preferable to have this reform at a federal level to ensure uniformity across Australia.

It is not just here in Australia that we can see change coming; we know that the tide is inexorably turning around the world. Fundamentally, that is because at its basis this is about fairness and respect for human beings and loving relationships. We have moved into the 21st century. Twelve countries now have marriage equality, along with eight states in the US, and change is coming in New Zealand, Scotland, France and Brazil. New Zealand will have a
marriage equality bill in the next few weeks and it will be supported by Conservative Prime Minister John Key. Scotland's government has announced it will move for marriage equality later this year. British Prime Minister David Cameron, a conservative, supports marriage equality. This is despite the fact that Britain already has civil union legislation, but it is not popular or widely used, not surprisingly because it is a second-class option.

As the Australian Greens spokesperson for legal affairs I am committed to seeing the enhancement of equality in the Australian community. Equality is basically about treating people with courtesy and respect—the way we would all expect to be treated by our friends, peers, colleagues, employers or strangers. The right to nondiscrimination and equality are fundamental components of international human rights law and are contained in a number of international conventions to which Australia is a party. These include the International Covenant on Economic, Social and Cultural Rights and article 26 of the International Covenant on Civil and Political Rights, which states that all people 'are equal before the law and are entitled without any discrimination to equal protection of the law'. The right to equality before the law guarantees equality with regard to the enforcement of the law. The right to the equal protection of the law without discrimination is directed at the legislature and requires state parties to the conventions to prohibit discrimination and take action to protect against discrimination. The principle of equality requires that any form of relationship recognition available under federal law to opposite-sex couples should also be available to same-sex couples, and this includes civil marriage.

Australia has an obligation under international human rights law to ensure that LGBT people are not discriminated against on the grounds of their sexual orientation or identity. Reforming marriage laws will uphold that obligation. The current Marriage Act restricts marriage to heterosexual couples and so contains inherent discrimination against lesbian, gay, bisexual and transgender people. The Australian Greens want to see true equality when it comes to marriage so that all people regardless of their sex, sexual orientation or gender identity have the opportunity to marry, to formalise their loving, committed relationships. This is not only the right thing to do to accord all people equality and respect for who they are; there is clear evidence that this is good for societies too, leading to fairer, healthier and more inclusive communities.

Within Australia, marriage retains significant status. For many, it represents a relationship that attracts social approval and respect, affection and legitimacy. Not surprisingly, excluding certain members of our community from the opportunity to have their relationships recognised in this way sends a very clear message that their committed, loving relationships are illegitimate. I thoroughly agree with the observation that my colleague Senator Pratt made yesterday that it is a cruel irony that gay people in Australia have often been demonised as being promiscuous and unwilling to commit to meaningful relationships while being denied the ability to marry and show their public commitment to their partners in the same way as Australians who happen to be heterosexual.

The Australian Human Rights Commission has stated that the maintenance of laws that discriminate on the ground of sexuality and gender identity tend to support and perpetuate beliefs which are likely to lead to violence and other antisocial conduct against members of the GLBTI community. The effects of this second-class status are
pernicious and harmful not only to the physical health and safety of members of that community; there are huge mental health implications too. That leads me to reflect on the importance of marriage equality through the lens of another of my responsibilities: spokesperson for mental health for the Australian Greens.

There are members of parliament, and we heard from some of them tonight and yesterday, who try to claim that this is not an important issue worthy of the attention of this parliament, that there are far more important issues to deal with, they tell us; it is merely a distraction from the more important affairs of state—whatever they may consider them to be. But when we consider the consequences of the current discriminatory situation we have in Australia, it is clear that this is a hugely important issue for many Australians and their families, their friends and their loved ones. It has been put to me that the single most important and cost-effective mental health policy that Australia could undertake would be to introduce marriage equality. Almost revenue neutral, it would reduce the incidence of anxiety, depression and ultimately suicide in the stroke of a legislative pen. Let me tell you why.

Last year, I was visited by the Psychologists for Marriage Equality and they pointed out to me some alarming statistics from the Australian Bureau of Statistics 2007 national survey of mental health and wellbeing. These statistics indicate that homosexual and bisexual people are four times more likely to have ever been homeless, twice as likely to have no contact with family or no family to rely on for serious problems, more likely to have had a chronic condition in the last 12 months, twice as likely to have experienced psychological distress, almost three times as likely to have had suicidal thoughts, five times as likely to have had suicidal plans and four times as likely to have attempted suicide.

Psychologists for Marriage Equality provided me with information based on detailed research about the adverse effects of discrimination and negativity on people in minority groups, called minority stress. There is clear evidence that social prejudice, discrimination and violence against stigmatised groups play a significant role in poor mental health. They pointed out that the Australian Psychological Association recently endorsed the resolution of the American Psychological Association calling for:

… the legalisation of same-sex marriage on the basis of psychological evidence showing the mental health benefits of marriage and the harm caused by social exclusion and discrimination arising from not having the choice to marry.

In endorsing this resolution, Professor Simon Crowe, President of the Australian Psychological Society, said:

Decades of psychological research provides the evidence linking marriage to mental health benefits and highlighting the harm to individual's mental health of social exclusion. The APS supports the full recognition of same-sex relationships on the basis of this evidence.

Paul Martin is a psychologist with 25 years experience and he specialises in mental health and same-sex attraction. He trains GPs, psychologists, psychiatrists, social workers, counsellors, managers and Christian leaders about the psychological issues facing those who are gay, lesbian and bisexual. In his submission to the Senate inquiry into the Marriage Equality Amendment Bill 2010, Paul Martin pointed out that the mental and physical health of same-sex attracted people is measurably poorer than for the general population, citing those same ABS statistics, but pointed out that this is not a result of the psychological effects of same-sex attraction. All the
psychological evidence demonstrates that being same-sex attracted is not a disorder. Rather, Paul Martin says:

Poor health outcomes are the result of the high levels of psychological distress experienced growing up surrounded by negative attitudes and behaviours to same-sex attraction. Growing up gay or lesbian is to grow up as something you've been taught to hate. These 'homophobic' messages continue to occur into adulthood and can intensify the distress.

They can take the form of hate crime, workplace discrimination and being excluded from 'normal' society. Worst of all, this homophobia can be internalised leading same-sex attracted people to hate and harm themselves.

On the positive side, there is clear evidence about the positive link between marriage equality and mental health. Paul Martin also points out:

Studies from North America and Europe have shown that feelings of well-being, security and acceptance among same-sex attracted people and their family members increases dramatically when same-sex couples have the choice to marry.

This is for two reasons. First, some of the most negative messages internalised by same-sex attracted people are about the instability and worthlessness of same-sex relationships. Second, marriage, with its emphasis on care, commitment and fidelity, continues to define the meaning of love and relationships in our society. The government reinforces the very worst stereotypes about gay and lesbian people when it excludes them from marriage.

The American Psychological Society states:

"The denial of civil marriage, including the creation of legal statuses such as civil unions and domestic partnerships, stigmatizes same-sex relationships, perpetuates the stigma historically attached to homosexuality, and reinforces prejudice against lesbian, gay and bisexual people."

These conclusions are echoed by recent Australian psychological research, again discussed by Paul Martin.

In a recently released paper, researchers from the National Drug and Alcohol Research Centre at the University of New South Wales called on the government to allow same-sex marriage as a preventative health measure. The researchers, led by Professor Ann Ritter, refer to studies which show a direct link between marriage equality and reduced alcohol and drug consumption. They also cite studies showing a link between marriage equality and reduced HIV infections, as well as the positive health benefits of marriage generally. According to the paper:

The best public-policy interventions are those which target a significant problem, have a clear rationale, are supported by research evidence, are least costly to implement and have strong community support. Legalising gay marriage as an alcohol and drug policy response meets these criteria … It is now time to legalise gay marriage, as an important contribution to reducing alcohol and other drug harm in Australia.

Over the last few months I have been travelling widely in rural Australia, consulting with people from all walks of life about mental health and wellbeing. Evidence suggests that rates of poor mental health, particularly suicidal ideation and suicide attempts, are much higher for homosexual or bisexual people living in rural and remote areas, because the effects of social isolation and stigmatisation are amplified. There is less privacy and they have fewer peers, and they are often very exposed. This was something I heard consistently from mental health practitioners in rural areas and is particularly the case for young people, who are often extremely vulnerable at a time in their lives when they are learning about who they are and how they can make their way in the wider community. Their sexuality is
obviously a crucial aspect of their emerging self-image.

One of the most inspirational people I have met in the course of this reform process is Shelley Argent, the passionate national spokesperson of PFLAG, Parents and Friends of Lesbians and Gays. I still remember when she visited me with a bunch of mothers from Queensland, who spoke so passionately about the concerns of their beloved offspring, including those who were same-sex attracted. In their submission to the Senate Standing Committee on Legal and Constitutional Affairs inquiry into the Marriage Equality Amendment Bill 2010, Shelley Argent wrote:

… as Australians, we bring our children into this world believing this country has a free and equal society, but when a loved one “comes out” we soon learn this is a myth.

…… …

It should be noted that our lesbian daughters and gay sons want no more or less than their heterosexual siblings, which is to just be equal. And we as their parents also want equality for them which includes the right to marry their partner of choice regardless of sexual orientation.

In relation to mental health, Ms Argent wrote:

We believe that if allowed to marry it will minimise depression and substance abuse that comes with low self esteem and unfortunately, many of our sons and daughters in the LGBT community do suffer mental health issues because of how they feel about themselves which is mainly due to societal attitudes and them being told in some subtle and sometimes not so subtle ways they are inferior. This is why suicidal ideation is such a problem in the LGBT community. Marriage equality will be a huge step forward in this area, because it will show that the government no longer condones discrimination under the cloak of “tradition” and the outdated belief of “marriage being between a man and a woman”.

As the Australian Greens spokesperson for mental health but, more importantly, as a mother, a friend, a colleague and a neighbour, this deeply concerns me. I do not want to live in a world where same-sex attracted people feel so desperate about the prejudice they experience or so unworthy that they cannot be proud of who they are and they end their lives. Ultimately, I want to see equal marriage because I want to live in a community where every Australian can marry the person they love—it is as simple as that—instead of being told that their relationship is less valid than, less meaningful than or inferior to others.

Before I finish, I would like to acknowledge some of the people that I have met in the course of my thinking and learning about this issue. I have had the privilege of meeting many inspirational people. I remember meeting two significantly older men, in their sixties, at an equal love rally in Adelaide. They had been together for a long time. They told me that their wish was simply that they could walk along the street, hand in hand, just as most of us who are heterosexual would take for granted, without being harassed or berated by other people—that they could feel comfortable living in a society where they could actually show their long and enduring love for each other. I met two lovely young women from Adelaide, who visited me in Parliament House to put to me the cause of marriage equality and to explain that they had made a commitment to each other. I have met psychologists, doctors, clerics and teachers—gay, straight and bisexual, and all motivated to see this great overdue reform in Australia.

I want to live in a nation where all people are able to feel proud of who they are: of their ethnicity, of their appearance, of their
religious beliefs and of their sexuality. Hand in hand with this is my desire to see Australia become a nation where all people are able to feel proud of the person they love and of the love they share—whatever their gender and whatever their sexuality. I believe it is truly time for us to ask why we cannot, in the 21st century, embrace an Australia which is fully, gloriously and humanely inclusive and equal. Legislation for marriage equality will save lives and celebrate the rich experience of being human in Australia.

Senator BILYK (Tasmania) (21:58): Given the significance of the Marriage Amendment Bill (No. 2) Bill 2012, the members of the government have been given a conscience vote, and that means the vote of individuals from the government is not dictated by focus groups or poll driven and is not even determined or dictated to by the group as a whole. It is a matter of personal conscience. It should also mean that opposing sides can achieve disagreement where both sides of the argument understand the other's arguments and understand why they disagree. Unfortunately, many who do not support this bill have had charges of hostility, unreasonableness and bigotry aimed at them. In fact, I have witnessed some and had some aimed at me. There have been exaggerations and some bizarre comments made by people on both sides of the debate. I think that has served to discredit those arguments.

I do not oppose this bill on the basis of religious zealotry, fundamentalism, hatred, bigotry or homophobia, contrary to some comments made to me and about me. I oppose discrimination on the basis of sexual orientation, and I have no issue with the legislation on civil same-sex unions. But what I believe is that the traditional and current definition of marriage should remain as being between a man and a woman. The institution of marriage precedes governments, parliaments and written law. It is an ancient institution and holds a special and unique status—and deservedly so. In our culture, and virtually every other, the act of marriage as we know it has always been between a man and a woman, and this bill aims to profoundly change that traditional meaning and understanding. It disconnects from the issue that male to female married relationships are different from other kinds of relationships, sexual or non-sexual, and it disconnects from the issue that marriage deserves its unique legal and cultural status—

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Ludlam) (22:00): Order! It being 10 pm, I propose the question:

That the Senate do now adjourn.

Learn Earn Legend! Program

Senator THISTLETHWAITE (New South Wales) (22:00): Last week I had the great pleasure of welcoming a bright young Indigenous student, Marlee Silva, into my office as part of the Learn Earn Legend! work experience program. Many of us in the Senate were fortunate to have representatives of Australia's young Indigenous community spend time in our offices last week as part of this wonderful program. The aim of this program is to encourage and support young Indigenous Australian students to stay at school, get a job and be a legend for themselves, for their family and for their community.

The Learn Earn Legend! program addresses three of the key Closing the Gap targets on Aboriginal and Torres Strait Islander reform. The first is to halve the gap in reading, writing and numeracy achievements for Indigenous children within
a decade. The second is to halve the gap for Indigenous students in year 12 equivalent attainment by 2020. The third is to halve the gap in employment outcomes between Indigenous and non-Indigenous Australians within a decade. The program is delivered by community leaders, sport stars and everyday ‘local legends’ who young Indigenous Australians respect and aspire to be like. The Learn Earn Legend! message advocates the importance of education, training and employment. This message was one that I was certainly happy to support during this last week and, indeed, have been happy to support over many years.

I am pleased to say that the young student who was based in my office, Marlee Silva, came to see how this place works and to work alongside my staff and me. She is a wonderful student who I hope learned a lot and drew much inspiration from her time here in our nation's capital. While in my office Marlee performed a number of tasks, one of which was to write this speech that I am currently reading to the Senate. I am pleased to say that, in delivering this speech, I am representing her views and experiences as part of the Learn Earn Legend! program.

Marlee lives in the Sutherland Shire in Sydney with her mother, her grandmother, her younger sister and her father—former first grade rugby league player, Rod Silva. Rod Silva played for the Canterbury Bulldogs—and, although I am a passionate Rabbitohs supporter and they are facing off against us this weekend, I was happy to have Marlee work in my office and pleased to see and learn of the work that her father is doing to promote Indigenous rights and close the gap in his community.

Marlee is 17 years old and a proud Kamilaroi woman—her father, Rod, being from Moree. Rod is now a sergeant in the New South Wales Police Force. Marlee said it was her father Rod who provided the inspiration for her to take part in the Learn Earn Legend! work experience program. Through his involvement in local Indigenous issues, Rod Silva is a leader in his community. Mr Silva mentors local high school students, is involved in the local hostel, Kirranari, and has developed the Col Dillon Cup, an Oztag tournament that works to build better relationships between the police force and Aboriginal youth in the Sydney community. It is for these reasons, Marlee said, that she put her hand up to nominate for the program, to follow her father's footsteps and to assist the Indigenous issues that affect her community and to become a community leader.

Marlee is just three weeks away from beginning year 12 at Port Hacking High School. She will be studying advanced and extension English, modern history, biology, art, drama and legal studies. After finishing her HSC she plans to attend university to study law.

Marlee was proud to be one of the 100 Indigenous students from around Australia to be accepted into the 2012 Learn Earn Legend! work experience program. She said that she looked forward to coming into this program to see where 'the magic happens', to better understand how the country is run, to catch a glimpse of the behind-the-scenes action that goes into making laws in our country and to interact with other Aboriginal and Torres Strait Islander kids who felt the same way in terms of wanting to help their communities by bettering themselves.

Marlee said she enjoyed the opportunity to attend a committee meeting, sit in the Senate for the reading of the prayer and acknowledgement of country, and watch a heated session of question time. She described it as an eye-opening experience that had given her a better understanding of
the importance of the work of this place and a sense of admiration for the hardworking people who keep this country going—not just the politicians but the officers and staff who work in and around this parliament.

But, although there were many high points in Marlee's short time here, she said that the most inspiring part of her experience was her fellow participants in the Learn Earn Legend! program. She said it had been extremely encouraging to see so many intelligent young Indigenous students enthusiastic about the Learn Earn Legend! motto, which is, 'Stay at school! Get that job! Be a legend!' ‘That is exactly what we are all planning to do,’ she said. When in a room surrounded by her fellow Learn Earn Legend! students, Marlee said that she could tell that she was in the presence of leaders—legends in their own right; young people who are helping to pave the way for other young kids—and, for that feeling alone, she said she was grateful to the Australian government for supporting important programs like this.

Finally, Marlee wished to express her thanks to all of the people involved in the Learn Earn Legend! program. She said that she hopes it continues for many years to come so that other kids like her can be inspired by their experiences in this place and become leaders and role models in their communities and maybe even one day end up here working in Parliament House.

Football Netball Clubs

Senator McKENZIE (Victoria) (22:07): I rise to speak tonight about football netball clubs and their importance to local communities, particularly in the regions. This weekend we head towards finals weekend in central Victoria.

I have been a keen netballer—not a particularly great netballer but a keen one—in my time and although I now play in the parliamentary team and no longer for the great Tarwin Sharks C-grade, I have long appreciated the way that football netball clubs provide the glue for many local communities in regional Victoria. Football netball clubs are often the centre of the universe in tight-knit communities where the whole family has the opportunity to contribute in their own way. And finals season is a great time of year to reflect on and celebrate this contribution. I find it amazing that at times the crowds in the stands at the finals games are bigger than the population of the towns themselves. People regularly travel 50 to 100 kilometres just to play in or watch their favourite teams, without complaint and accepting that, for them, this is just a way of life. This is what we do. It is a great day out. Gate takings can be in the tens of thousands of dollars during finals season—a not insignificant amount for these clubs, and it demonstrates the strength of local football and netball in Victoria.

The finals season in central Victoria started with a fantastic win by the Bendigo Thunder. The Thunder are Bendigo's representatives in the North West Conference of the Victorian Women's Football League. After coming close in 2011, their first year in the competition, the girls from the Thunder held it together on a rainy, muddy day in August to defeat La Trobe to win the 2012 premiership by 14 points. I was pleased to see the Bendigo Advertiser throwing their full support behind the team, with coverage throughout the season and a lift-out poster of the premiership team following their win. We are very proud of them representing our region and coming out on top. I am sure they will continue their success next year, as they seem to be going from strength to strength.

Another league with a strong presence in my local area is the Loddon Valley Football League. Based around the north of Bendigo,
the two towns that faced off in last weekend’s football grand final, Newbridge and Bridgewater, were two towns that suffered serious damage in the floods last January. When the Loddon River burst its banks, the Newbridge Football Netball Club went under—and I mean really under. Their 2000 football premiership flag was found two kilometres down the river, and they could not play at the ground for a long, long time. Neither could the netballers and tennis players, as their courts were destroyed too. Newbridge are still without clubrooms and are operating out of a portable and a tin shed whilst their new home is being built. But, throughout this difficult time for the Newbridge club, the other local clubs have been fantastic in terms of offering grounds on which to train, particularly around preseason. So to be in the grand final in 2012, and not just in the grand final but with the trifecta—seniors, reserves and under 17s—all through to the big game, is quite a feat.

For Bridgewater, 15 kilometres down the road, the premiership game was just as big of a deal. In Bridgewater, the footy oval may not be right up against the picturesque Loddon River, but they have also taken a big hit in recent times, suffering from three floods in five months in 2011. It is testament to the strength of these two communities that their teams made it through. So to be in the grand final in 2012, and not just in the grand final but with the trifecta—seniors, reserves and under 17s—all through to the big game, is quite a feat.

This year I was delighted to also be asked to become the netball patron of the Bendigo Football Netball League. The BFNL have a great history and the league looms large over Bendigo. The two teams gearing up for this weekend’s football grand final are Gisborne, down in the south just on the outskirts of Melbourne, and Golden Square, the local favourites. They will face off in a battle. Not to forget the netballers, of course—and I would never, as their patron—and I look forward to Eaglehawk and Sandhurst facing off in the A-grade competition with the same clubs’ grand finalists in the B-grade as well.

The netballers are at least as important as the footballers and their contribution to our clubs across the country is enormous. There are, in fact, more netballers than football players of all codes combined. They are also the ones who are helping out in the canteens. It will be a great showdown and I look forward to the games.

I also pass along congratulations to the winners of the top two individual honours in the Bendigo Football Netball League: the surprise 2012 Michelsen Medal winner, Scott Walsh from Gisborne Football Netball Club and the winner of the 2012 Betty Thompson Medal, Karly Bingham from Kangaroo Flat.

I am also a sponsor of the Maryborough Castlemaine District Football Netball League, and I really enjoyed seeing some of their preliminary finals out at Maryborough a couple of weeks ago. Some of the clubs in this league, like Carisbrook and Avoca, have had a rough time in the past couple of seasons due to flood damage as well. But they have fought hard and turned in a strong performance for 2012. With the league now bedded down after the addition of three new clubs from the Lexton Plains league in 2011, and 14 clubs in total, competition is strong.

The upcoming football grand final this weekend will see Navarre's Grasshoppers playing Carisbrook's Redbacks on Sunday in what should be a fantastic match-up. The
Grasshoppers will also feature in the netball A-grade grand final, playing Lexton.

In closing, I wish good luck to all the football and netball clubs I have mentioned and the countless others who will be out there trying their best this weekend across central and regional Victoria. I look forward to again keeping up with the progress and hearing all the local football and netball news for 2013. I hope they play hard, that they do not have any major injuries, that the gate takings are great and that sponsors, spectators and players alike have a great weekend.

Oxfam

Senator FAULKNER (New South Wales) (22:15): In last night's adjournment debate I spoke about the efforts of the Tigers Oxfam Trailwalker Team in 2012. Our team took part in three 100-kilometre non-stop walks in just four months and, as I reported, has participated in 12 trail walks since 2007. We have raised $284,512.41 to date to support the work of Oxfam.

Tonight, I would like to provide one example of the work of Oxfam supporting some of the world's most marginalised people. It is a project that has been underway for the past few years in Laos. The project has focused on the delivery of four programs providing basic services and infrastructure—small scale irrigation, rice banks, water security and the provision of basic hygiene amenities and education. The small scale irrigation project targeted 20 villages and assisted nine families in Mune, as well as 11 families in the Samoui district of Laos. These families now have more sophisticated agricultural infrastructure and, importantly, a more reliable food source.

Oxfam has also assisted these communities establish rice banks, which help families to get by during periods of food shortages. While private rice lenders usually charge an interest rate of 50 to 60 per cent, the Oxfam assisted rice bank charges have only a 10 per cent interest rate. This has been a very valuable tool in helping over 230 needy families in the Mune and Samoui areas. Reliable food and water sources and access to basic hygiene amenities are critically important in these remote villages. This Oxfam project has provided three gravity-fed water systems, one in Mune and two in Samoui. And nine boreholes across a number of villages now provide water to 2,466 people in Mune and 594 people in Samoui.

Oxfam has been instrumental in not only educating people about and teaching people to use latrines but also building new latrines. In the Mune and Samoui regions there are just 296 household latrines for some 1,500 people. Due to Oxfam's education program and the building of additional amenities, latrine usage has increased from 65 per cent to 70 per cent in Mune, and from 17 per cent to 22 per cent in Samoui. It is important to acknowledge that this project has been a joint venture between AusAID and Oxfam. Oxfam's contribution has been quantified at $122,908 and a substantial contribution of $144,674 has been made by AusAID. The total is $267,615.

I use this one little-known example of the work of Oxfam in saving lives and promoting sustainable economic development to put into perspective the importance of the contribution of the supporters of our Tigers Oxfam Trailwalk Team. The cost of Oxfam's poverty reduction programs in the Mune and Samoui districts of Laos, along with the contribution of AusAID, broadly equates with the Tigers fundraising efforts in 12 trail walks, over five years, although administration costs do need to be taken into account.
This is an important point because, of course, all charities, NGOs and other organisations that rely on income from donations do bear administrative costs. I am pleased that Oxfam continually scores very highly at the PwC Transparency Awards for charities. The PwC Transparency Awards were introduced in 2007 'to recognise the quality and transparency of reporting in the not-for-profit sector'. I have said previously that 'openness and transparency in government are at the heart of the democratic contract' and, similarly, it is my firm view that openness and transparency in charities should be at the heart of the donor contract.

In 2008, Oxfam took home the gold medal for being the most transparent and open charity with revenue of over $30 million in Australia. In 2010 and 2011, Oxfam Australia was the runner-up for the PwC award category of 'revenue over $30 million'. So when the Tigers team hits the track in an Oxfam trail walk, and such hard work is put in by our team and supporters to raise money for them, it does help to know that Oxfam ensures such a high percentage of the money raised is going to the front line—directly to the projects, such as the one I have detailed in the Senate tonight. I do think that it is important for those who so generously support a charity like Oxfam and a team like the Tigers Trailwalkers to know their money, their contribution, is making a real difference to the lives and livelihoods of so many less fortunate than ourselves.

The ACTING DEPUTY PRESIDENT (Senator Stephens): Thank you very much, Senator Faulkner, and congratulations.

Gov2.0

Senator LUDLAM (Western Australia) (22:22): I rise to make a couple of brief comments about a launch that I attended on Friday across from the ACT Assembly with my Greens ACT colleague Caroline Le Couteur, who is the ACT Greens spokesperson on Gov2.0. It is good that we have Senator Lundy in the chamber tonight who has done a lot of work at a federal level on Gov2.0 initiatives. I want to highlight tonight some really interesting examples that have been set by my ACT colleagues in this space that take what has been attempted at a federal level and pushed it further. This is something that I have a great deal of interest in: the idea that government at any level—whatever the tier—moves from a culture of withholding information in our own good, as it were, to a culture of disclosure and transparency, where even freedom of information requests become redundant because the information is simply in the public domain in the first place, not in filing cabinets in basements and not in proprietary digital formats that become obsolete and can only be read in certain kinds of reader. In the spirit of generosity and transparency, government information should be provided in ways where it becomes extremely accessible for researchers, journalists and, perhaps most importantly, for the general public and for the citizenry.

We have seen, as I said, some really interesting progress in this direction at the Commonwealth level. It is something that the Australian Greens are very supportive of and want to extend, but tonight I just want to draw attention to the work of my ACT colleagues for taking this agenda and pushing it a degree further. The ACT is placed very well to be a national leader on transparency and accountability. Canberra is an extremely tax-savvy community, it is a very connected community and it is a very educated community. What better place than here, the seat of the national parliament, to be not merely trialling but bringing out at a mainstream scale the introduction of Gov2.0 principles—not as a pilot or a test bed but actually making it accessible to people.
As my colleague Ms Le Couteur points out, part of being transparent as a government is not waiting to be asked for a document but providing it to the community proactively and in an easily accessible format. We have ways of presenting information in this place, from the huge masses of statistical data and other forms of data that the government produces, using visualisation tools and techniques that simply did not exist a couple of years ago. We certainly should be putting information into these formats and then letting the community rip. The GovHack project is a really interesting example of how this can work. When people are given access to the tools and the ability to just go for it, we have seen some very interesting tools emerge for looking deeply into government, particularly into budget processes and so on.

What has been proposed in the ACT initiative around open and accountable government is to develop a charter and implementation plan for proactive release of public data—not wait for people to come and grab it but put it out. This is a very important example that the Commonwealth government needs to take heed of, because in some ways the freedom of information laws that passed this place a year or two ago have set us back. The first thing the government did was exempt all the defence and security agencies from FOI, so we cannot even find out mundane or administrative details from inside those agencies. They are just presumed to be above the law. That is not good enough. We are also seeing departments beginning to game the freedom of information process. Just as one example, in my efforts to get basic information about the Australian government's approach to dealing with Julian Assange and the WikiLeaks organisation, we found delay and frustration at every turn with the loopholes that I presume were deliberately written into the Commonwealth Freedom of Information Act. This is something that my ACT colleagues would propose simply could not occur anymore at an ACT level. We could do very well to follow their example.

There are proposals to fund innovative projects from the Gov2.0 community. As I said, there is a very tech-savvy community here. We need to give people access to the tools and the raw data and see what kind of magic they can work. There is a proposal to employ a digital records officer to transition to a consistent whole-of-government records system. Just as one example that I have been interested in for a while, if you want to find out how much the Commonwealth spends on advertising, it is very difficult to do. You will need to go through department by department, one after the other, and ask them, using either parliamentary questions or the estimates process, to find out how much is spent on advertising. It is entirely possible these days to simply put that data into the public domain so that it can be searched, cross-referenced and published. It should not be something that people have to pull out like teeth.

I certainly believe that we can do a lot more between the budget process that will give the general public access to the kinds of tools that we have in here and give us greater tools to be able to understand exactly what it is that government is doing. I would like to commend my colleagues in the territory Assembly for putting this vision forward—not simply dealing with it at a prototype level but actually looking at what a genuinely digitally connected ACT government would look like. These are examples that I believe we should adopt here in the Commonwealth parliament, which deals with vastly larger quantities of data—much of it still locked away and inaccessible for no other reason than nobody has ever
really thought to put it into the public domain. I do recognise and acknowledge progress that has made in this regard, but we are yet to see it established right across government. There are still areas, department by department and minister by minister, where the processes and the internal workings of government are absolutely opaque and impenetrable. I am not suggesting that simply making all this data accessible to the general public is the answer to that. There is something cultural here as well as technological that needs to be achieved, but I congratulate my ACT colleagues for pointing out what I think will be a very important way to promote government transparency and accountability in the 21st century.

Medical Workforce

Senator BOYCE (Queensland) (22:29):

The shortage of health professionals in almost every area is nothing new in Australia, but I believe it is especially important when it relates to children and infants. In Australia, 19.3 per cent of the population are aged below 15—that is 4,144,024 people, you will be interested to know. So, for four million people under the age of 15, there are currently only 20.3 full-time paediatric ophthalmologists in Australia. Many of these specialists are near retirement age, and both Tasmania and the ACT do not have a single paediatric ophthalmologist.

Paediatric ophthalmology is a subspecialty of ophthalmology which deals specifically with the medical eye care needs of children. It differs from adult ophthalmology because it involves eye diseases that are specific to children and deals with those diseases within the framework of a developing visual system and the developing child. Different techniques are often required in order to properly examine children's eyes, especially babies and infants. Therefore, the training of a paediatric ophthalmologist involves a longer than usual length of tertiary training; it is seldom less than 15 years from beginning university for a fully trained paediatric ophthalmologist.

The most common eye disorders in children are strabismus, which is misaligned eyes; amblyopia, which is poor vision due to abnormal visual experience in early life; and refractive errors caused in the focusing of the light by the eye and a frequent reason for reduced visual acuity. Strabismus and amblyopia affect about four to five per cent of the population, and they form the bulk of the workload for paediatric ophthalmology. Some of these children may actually have serious underlying medical conditions as a cause for their apparent eye disease—for example, eye or brain tumours.

Paediatric ophthalmologists also deal with a wide variety of disorders that potentially cause blindness, such as childhood cataracts, which affects one in 2½ thousand children; glaucoma, which now affects one in 8½ thousand children—a vast improvement over recent years; retinal disorders such as retinopathy of prematurity; and dealing with eye cancers in children, which occur in one in 18,000 children. Retinopathy of prematurity is a disease that primarily occurs in premature babies. It causes abnormal blood vessels to grow in the retina and this growth can cause the retina to detach from the back of the eye, leading to blindness. Some cases are mild and correct themselves, but others require surgery to prevent vision loss or blindness.

Paediatric ophthalmologists investigate children with visual failure and they also deal with children with genetic disorders that may affect their sight, and I certainly know that there are many children with Down syndrome who require the services of a
paediatric ophthalmologist. Many of the children seen in a tertiary children's hospital ophthalmology clinic have complex medical problems, including cancer, neurological disorders and multisystem disease.

There is a rising number of premature infants who survive birth and then require screening in the nursery and, potentially, treatment for retinopathy of prematurity. Laser treatment for retinopathy of prematurity is one of the single most cost-effective interventions in all of medicine because it avoids a lifetime of blindness and dependency for most infants who are treated. In middle-income countries—that is, countries that are just beginning to afford care for premature infants, such as India, Vietnam and most of Latin America, retinopathy of prematurity is now the commonest cause of childhood blindness.

In Western countries, it is estimated that the whole-life cost to support a child who is blind from birth is about $2 million—per child, I should add. The commonest cause of blindness in Australia, which is 30 per cent of children, is brain damage in premature infants. The economic impact of vision impairment in children is considerable because they require increased support to achieve developmental milestones, in their education and in the transition to independent life. There is then the potential loss of earnings and the cost of extra care involved, plus in some cases limitations on career options. The presence of a visual impairment can have a severe impact on a child's emotional and psychological development as well, and it can be associated with a substantial reduction in quality of life. While the proportion of visually impaired children is lower than that of older adults, the impact of visual impairment during childhood lasts much longer and can be much greater.

There is a worldwide shortage of paediatric ophthalmologists and, as I mentioned earlier, there are only 20 paediatric ophthalmologists in Australia, many of whom are over 55 years of age. This is becoming a crisis for us. Paediatric ophthalmology is not a popular subspecialty for recently graduated ophthalmologists because of the inadequate time within the ophthalmology training programs in most states, a feeling that children are more difficult to examine and treat and, of course, that treating adults—for example, doing large numbers of cataract operations—is more financially rewarding.

Some steps were taken this year to reverse this trend, including an MBS item number specifically for the more complex examinations of young children and some federal funding put aside for a specialist training program to fund new paediatric ophthalmology training posts. But we need to do more to revitalise paediatric ophthalmology to take us forward. Those who practise in this area find it immensely interesting and personally fulfilling to treat a newborn baby's cataracts or to treat a premature infant with a potentially blinding eye disease to give that child a lifetime of sight.

The Royal Australian and New Zealand College of Ophthalmologists believes that a multifaceted approach needs to be taken to rectify the shortage of paediatric ophthalmologists. They believe that we should have an increase in paediatric ophthalmology registrar training posts in major teaching hospitals through the Specialist Training Program. This will increase the exposure and skills of the entire ophthalmic profession to what is needed in paediatric ophthalmology. The college also believes that we need to increase grants to state governments to improve both salaries and equipment in children's hospital eye
departments, thereby facilitating an increase in the number of appointed paediatric specialists to children's hospital eye departments. There needs to be some very serious planning here because, as I said, the average age of Australian paediatric ophthalmologists is currently over 55.

We also need to ensure that every major children's hospital in Australia has a full-time head at its eye department. Currently there is only one such appointee in Australia. I am pleased to say that it is at the Royal Children's Hospital in Brisbane. Dr Glen Gole, who occupies that position, is well known to many, many families who have been treated by him. But if we were to extend this to every hospital it would enable a career pathway to develop for full-time hospital based paediatric ophthalmologists. We also need to increase remuneration for consultations through Medicare rebates, such as item 109 I mentioned earlier, and specifically for the more complex examinations of young children. I think anyone who has a child would appreciate the difficulties of doing examinations on very young children, especially of their eyes. Australia needs to ensure it has the specialists to identify and treat eye related problems, most importantly to give children the best chance of developing intellectually, physically and emotionally, but also because it is cost effective for our community to assist its children to have a lifetime of sight.

The ACTING DEPUTY PRESIDENT (Senator Stephens): Thank you, Senator Boyce, for bringing the issue of paediatric ophthalmology to our attention.

East Timor

Senator DI NATALE (Victoria) (22:39): I rise to speak today after recently returning from a Global Fund parliamentary delegation to East Timor. Like many Australians, East Timor occupies a very special place in my heart. I was one of the many thousands of Australians who was appalled at the violence that occurred after the 1999 independence referendum in East Timor, was immensely relieved when the Australian government finally intervened in that conflict, and felt motivated to help. I flew up to Darwin to help with the processing effort of the East Timorese refugees who were evacuated from Darwin. The traumatised faces I saw is something that will be forever seared in my memory.

I have many other connections to East Timor: my wife spent some time there, I have many other family members who have spent some time there, and the place of my work, Geelong, has a sister city relationship with a small place called Viqueque, a remote district in East Timor. Geelong has a very active local community there. In fact, I know some of them will be listening this evening. The opportunity to visit East Timor with the Global Fund was one that I was very keen to undertake. I was involved in that delegation with MPs from across the political divide here in Australia and also MPs from New Zealand. There were eight of us in total. I think we all got an immense amount of information from the trip.

The Global Fund is essentially an international financing institution. It tries to pull resources to ensure that we get some serious money tackling issues like HIV-AIDS, tuberculosis and malaria. It is important that with the Global Fund all the money is used in a way that ensures that the countries themselves have ownership of the health programs that are run there and the funding is performance based. Since it was started, the Global Fund has become the main funder of programs to fight AIDS, TB and malaria. It has directed almost $23 billion worth of funding to more than 1,000 programs in 150 places, so it has been a very successful model.
On the first day of the trip we spent some time touring some of the important historical sites. We visited the Santa Cruz cemetery, which was the site of the Dili massacre in 1991. It was triggered by the murder of a man called Sebastian Gomes. So when we got to the cemetery we asked a local if he would take us to the grave. One of the first things you are struck by at the cemetery is the number of tiny graves. It is a reflection of the fact that this is a very poor country and infant mortality is so high.

We got to the grave of Sebastian Gomes and the fellow who took us there proceeded to start crying when he described the Santa Cruz massacre. As it happened, he was there. He lifted up his pants and revealed a large bullet wound in his thigh. He started telling us about how the Indonesian military was there waiting for them, ambushed them and shot people indiscriminately. He told us about how the two American journalists and English filmmaker were also there, how he helped Max Stahl, the English filmmaker, hide the film that was taken of the massacre and how after the massacre they went back to find it to try to document what had happened. It really was a reminder of how raw some of those experiences are for many of the people who live in that country.

Over the course of the week we met with some of the most inspiring people that I have met with, both people who were local East Timorese but also some of the expats who were working across a range of areas. We visited people and clinics where treatment was being provided for multi-resistant tuberculosis and where for the first time people were getting access to life-saving treatment. We went on a number of visits, some to reasonably remote outposts, where we saw the distribution of bed nets. It is a really simple measure costing a few dollars, but one which means that pregnant women and young kids are now not getting malaria.

We are talking about an environment where some of the strains of malaria result in cerebral malaria, meaning that young kids die from what is a preventable and treatable disease.

We learnt that there were a number of people who were providing really important education about the spread of HIV: what could be done to prevent it, distributing condoms, and fighting stigma and discrimination. One of the real concerns for me is that we have the potential for a major HIV epidemic on our doorstep. I think we need to direct as many resources as we can to that country to ensure that we try to minimise the potential for a very serious HIV epidemic on our doorstep.

One of the most important things about the work that is being done through these projects is that they are not stand-alone projects; they are really building the capacity of the local health system. It is important to acknowledge that they are starting from a very low base. To have the funding available to train people to look down microscopes and identify tuberculosis or to train people in entomology so that they can assess whether their programs can try to reduce the spread of the vectors that cause malaria, all of those things that are a vital part of a functioning health system are all being done. That will be one of the legacies that, once these programs have finished, will be left behind in that country.

We met with people within the health ministry and learnt about the important work that is being done to develop the health capacity within the bureaucracy. We met with the Australian and New Zealand ambassadors and the head of the AusAID mission. We learnt a lot more about what is being done from an Australian perspective with our aid dollar and the focus on health, governance and a range of areas—Australia
being a very, very critical player in the effort that is going on in East Timor.

We were very fortunate to meet with a number of MPs, who were all very generous with their time. This is a country that is essentially building its democracy from the ground up. These people were thirsty for knowledge, desperate for anything that we could provide them with that might provide them with the opportunity to perhaps create some of the building blocks for their fledgling democracy. The welcome we got was overwhelming at times, incredibly warm, and we were very privileged to have been given the honour of being welcomed into people's homes and their workplaces.

We were also lucky enough to spend an hour with the new President of East Timor, Taur Matan Ruak. He is a very inspiring figure: a man who spent decades in the resistance movement, essentially fighting in the struggle for a free and independent East Timor. He acknowledges the huge challenges that his country faces, but one of the terrific things about what the country is doing relates to one of their most important assets—that is, their oil and gas reserves. With some help from the Norwegian government they have set up a sovereign wealth fund. They have ensured that the money cannot be spent all at once. In fact, only three per cent can be spent in any one year. They are using that as a sustainable revenue stream so that they can build all the important infrastructure that is necessary for their democracy to function—the roads, the water and sanitation, the health and education systems that are so vital.

One of the take-home messages for me from that visit was just how critical our aid dollar is—that is, how critical international financing mechanisms like the Global Fund, but also the domestic effort through AusAID, are. Of course trade is important, and international trade within our region is important in helping to alleviate poverty, but without that direct aid dollar these people will not get access to life-saving TB treatment, they will not get access to bed nets, they will not get access to the important information they need to stop the transmission of HIV.

It was an inspiring trip in many ways because the problem in East Timor is not one of corruption, it is one of capacity. What is being done through the Global Fund is ensuring that the capacity is built. It is a funding mechanism that ensures that the programs that are implemented are owned by countries, and I think it is a really terrific model to ensure that our newest democracy is helped to build a sustainable health system and, in fact, a sustainable democracy.

The ACTING DEPUTY PRESIDENT (Senator Stephens): Thank you, Senator Di Natale. It is important for us to hear those delegation reports and to understand the importance of our AusAID investment in those countries.

Tenant Advice and Advocacy Service

Senator MOORE (Queensland) (22:49): On 24 July this year, by email, all 24 services funded through the Tenant Advice and Advocacy Service network in Queensland received information that their funding was over. They did receive three months, until 31 October, to wind things up, but that is how people found out across Queensland that this incredibly valuable and longstanding service was no longer going to be available for our citizens.

The Tenant Advice and Advocacy Service offers very important practical services for people involved in rental housing in Queensland. Its services include assisting private rental tenants, public housing tenants, future tenants and members of the general community to understand the rules about
rental accommodation; to gain confidence to work with the legislation, which is the basis of the process; to help people by assisting them with information and preparation for the Queensland Civil and Administrative Tribunal hearings. It is always a stressful time when you are placed in that kind of situation, but TAAS was there to provide that support and information.

TAAS ensured that people knew their rights and responsibilities. It is sometimes extraordinarily tough for people working through the expectations of being involved in tenancy, understanding their rights and responsibilities, and most importantly having the confidence to know that they are part of a system and that they have a right to have their own knowledge and their own situation explained regularly. One of the things that TAAS prided themselves on was their professionalism and their personal advice. Increasingly across Queensland, we had people from different multicultural backgrounds, with different languages, understanding the issues of moving into rented accommodation. These people were the clients of TAAS. I know, from speaking with the people who have worked in TAAS, and they have had decades of experience, that it was important to them that their service was up to date and, most importantly, was personal.

When the TAAS network found out that they were no longer to have funding, they actually turned to their own community to let them know what had happened, to share with them the kinds of things that people in the community would have to now do for themselves, rather than using this valuable personalised service. There has been an overwhelming response. People know what TAAS has done for them and we have information from a range of organisations talking about how they value the service and about their fears for the future, because they do know that every year TAAS provided assistance to around 80,000 renting households, either face-to-face with interviews or by phone. In terms of the process, no-one quite knows where that service is going to come from next.

One of the bodies that has been lost is the Tenants’ Union of Queensland, a longstanding organisation. I once shared accommodation with the Tenants’ Union of Queensland in one of my previous jobs and I saw the number of people that went in and were given the confidence to ask questions and feel as though they would be getting support at a time when they were often under stress.

Major important clients of the TAAS services were people who were in rented accommodation but TAAS also provided information for landlords, accommodation service providers and real estate agents to make sure that there was that free-flowing open communication, because consistently so many problems occurred because people were lost and confused and genuinely did not know what their rights and responsibilities were.

This system, the Queensland Tenant Advice and Advocacy Service system, was not paid for exclusively by the Queensland government. This is one of the more offensive elements of cutting this service, because most of the money to fund the service came out of the bonds that people paid when they were going into a rental property, so a large percentage of that money went back into providing this service. In the last couple of years the Queensland state government had topped it up, the reason being that TAAS had provided such a valuable service. The Queensland government knew that if they gave tenants appropriate information leading to them understanding their situation there would be fewer problems because every time
there was a clash working through the legal system it cost money and time and, most particularly, it caused stress and unease for the people involved.

Also, the fact is that this funding has been cut at exactly the same time as the Queensland government has been putting out information—although I think appropriately in many ways—and calling upon people to look at their own needs in the public housing system, which has added to the general sense of unease, lack of confidence and fear. We have heard evidence that, on receipt of letters from the Queensland government to public housing tenants talking about their assessment of their own personal needs for housing, people have been so distressed and fearful that they have lost confidence and locked themselves away in their houses rather than seek advice and help from exactly the kind of service that TAAS provided—again a place where people could feel safe and confident to ask advice. So we have the double-whammy where we have a state government that is seeking to save money, and there is no problem with any government seeking to save money but it is how it does it that is important. So instead of working with the community and working with the people who best know the situation, correspondence is sent out automatically with a survey about what your own needs for accommodation are. We all know that there is a massive and critical shortage of social housing in our state—and I think it is across the country but I know best about the situation in Queensland—and we know there are extensive waiting lists. Say you have lived in social housing for a period of time and you receive a letter that asks, ‘What are your real needs? Could you reassess your own needs? Would you consider moving?’ You are automatically in a fearful position. You are also in a position of a lack of power. So in terms of the process at a time when people are vulnerable we are reducing the services that help them work through this process.

In the same field we have had the removal of funding from an organisation whose representatives I have met with a couple of times and which looks after people who are in manufactured housing and mobile homes. This service, which operated out of Wynnum, provided real help and advice, in the same way as TAAS, for people who had mobile homes and lived in that area. I refer to CAMHRA, which stands for the Caravan and Manufactured Home Residents' Association. This organisation through memberships looked after around 1,000 people including park residents. People who have manufactured homes have full ownership of the accommodation but no ownership of the land, so they are in a quite vulnerable position. We have on top of that people who live in caravan parks. We know that in Queensland, given the massive shortage of housing, many people choose or have the choice forced upon them to live in caravan parks whose operators often have a fairly difficult record in the sense of rights and responsibilities as to their clients. Also, many of these parks are being closed. At the same time in the June-July-August period—a very difficult time in Queensland—the state government announced it was closing three of the caravan parks that it actually owned—once again, fear and uncertainty for the people that were involved in that process.

So at a time when there are massive changes going on and at a time when the media is covering the process and putting lots of information out there about what is happening, increasing the vulnerability and fear, the one organisation that has the knowledge of the caravan parks and mobile homes legislation, CAMHRA, has lost its funding. So the people to whom many people have turned for help are no longer
there. The state government have said that the money they are saving from some of these changes will be reinvested into public housing. Now that is something: an investment in public housing is greatly welcomed. But the government should not be taking away one form of support and source of information to be replaced with something else which may or may not happen. It is also an issue that the amount of money being saved will not fund the number of houses that we need to address the public housing need in Queensland.

**Foodbank Western Australia**

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (22:59): I rise this evening to reflect on the organisation Foodbank Western Australia, following a visit to its headquarters last week. It has a very simple but eloquent vision statement, 'Australia without hunger'. It was back in 1994 that Foodbank Western Australia had its origins, when there was the publication of there being a high degree of waste, particularly of food stuffs. From that very humble beginning, there are most incredibly impressive statistics. Since 1994 to the present day it is estimated that more than 50 million meals have been supplied to people in Western Australia from what would have otherwise gone to waste. In fact, it has been estimated that during that time some 2,750 tonnes, or 2.75 million kilograms of food, instead of going to waste have actually been usefully used for food provision.

It was in 2001 that the program started in schools in Western Australia, and that has now progressed from some 17 schools to some 400 schools throughout Western Australia now—in metropolitan Perth there are some 155 schools, and about 240 schools in five regions of Western Australia. Again there are some incredibly impressive but in some ways disturbing statistics: 15,000 children each week receive around 45,000 meals in schools in Western Australia. On top of that figure, around another 18,000 to 20,000 meals are provided through Foodbank to other deserving agencies and individuals in Western Australia.

It is interesting to reflect on the geographic spread. The state of WA is some million square miles in the old terminology, and the Foodbank program extends to schools right up in Kulumbaroo, right up in the north Kimberley of WA. In fact, foodstuffs are shipped to Darwin and barged across from Darwin back west to Kulumbaroo for the provision of food to the children in the Kulumbaroo community. Another one with which I am somewhat familiar is about 800 kilometres inland from Port Hedland—the Punmu Aboriginal community. I am very proud to say that a nephew of mine spent some years heavily involved in that community, firstly, in trying to improve the wellness of the people, particularly those severely affected with diabetes—he himself is a chronic diabetic—and then returning to that community as the school principal. Once again, right out in remote Western Australia, 800 kilometres from Port Hedland on the edge of the Western Desert, we have Foodbank providing these services. Some 1,200 welfare agencies, schools, community organisations and others are recipients of the Foodbank service. For example, there are instances when an Aboriginal family funeral is being held and the family can come into the Foodbank headquarters in Perth and can draw foodstuffs for use by that extended family and friends in the event of that funeral and its attendant services.

It is interesting that whilst the program is well supported by organisations such as Lotteries West, the West Australian Lotteries Commission agency, and state and federal
governments, it is not of itself a government instrumentality. It is actually completely and utterly run as a private sector organisation, which includes more than 150 volunteers in the regional centres in Geraldton, Bunbury, Mandurah and Albany as well as the headquarters in Perth. I asked the managing director just who within the schools actually serve the meals. In some instances it is parents and in some instances it is teachers. They were telling me that now older brothers and sisters in the recipient families are actually acting to assist the process for their younger brothers and sisters. Of course the critically important element, as all of us would recognise, and probably the catalyst for this program to go into schools in the first place is the fact that teachers realised that you cannot teach a child who is hungry. You cannot teach a child who is tired. So the program has been built around the provision of a balanced diet for the children.

Of course, the outcomes have been absolutely incredible. There are improved attendance rates in the first instance. The children actually go to school in the first place. There is improved behaviour because they have made that link with the school on a daily basis, well before the educational part of the day starts. Their social skills have been enhanced significantly. I just mentioned the involvement of older brothers and sisters with their younger brothers and sisters. In terms of social skill development, they have been reporting a very much reduced level of bullying in the schools. Of course, we would expect it would be lower socioeconomic schools who are the recipients of the Foodbank program. Importantly, of course, health outcomes have improved significantly. I think that is enormously to their credit. Academic outcomes have also improved.

On an annual basis now, about 5.3 million meals are served each year through the Foodbank program. For a state that has a population of only about 1.6 million people that is really quite an incredible outcome. It has been extended to what they refer to as the Healthy Food for All Program, which encompasses four areas. It is run by a group of remarkable young staff members of Foodbank, principally young women. It incorporates the School Breakfast program, which they have introduced to me and I have introduced to you here in the Senate this evening, but it goes to three other areas as well: what they call Food Sensations, Choose to Move and a regional strategy taking these activities beyond metropolitan Perth to the country. The Food Sensations program is both school based and adult community based. These young people have been taking the consumption of food to the next stage where they are involving the children themselves in food preparation—giving them the skills associated with safe food handling and food preparation. Unfortunately, as they have explained to me, in many instances these are skills which are probably not in the children's homes until the children take them home. It is probably the first time that those skills have been in the homes. As is always the case, it is children who are the catalysts to encourage the parents.

As part of that exercise, they have extended Foodbank now to include what they refer to as 'Meatbank' so that meat is being introduced into the diet, firstly, within the school program in the Food Sensations program and then into the homes. I was speaking with the management of Foodbank. I asked them what was the encouragement for the larger chains to donate meat. For example, the chains in Geraldton asked: if we are providing meat either free of charge or very cheaply for you to provide to people through Foodbank and Food Sensations, are we not cutting off our own market? And the management of those outlets in Geraldton
came to the conclusion that they were not cutting out their market, they were indeed creating a new market. If, from the Food Sensations at school to the Food Sensations in the home, meat became a product which was popular then they themselves could see that the next step would be the purchase of meat.

Moving briefly to Choose to Move, as its name suggests it is an innovative program putting equipment into schools, like basketballs, footballs, netballs, tennis balls, soccer balls, et cetera. The equipment is associated with not only physical fitness but also team sports—cricket and other sorts of activities. So again it is to encourage the children not only in their nutritional needs but in their physical fitness needs. I conclude my story of Foodbank WA by saying that they are now taking that strategy right out. Indeed at this very moment they are right out on the Western Australian, South Australian, Northern Territory border. I commend Foodbank nationally and certainly within my own state.

Global Economy

Senator SINODINOS (New South Wales) (23:09): I rise this evening to elaborate on a theme I first raised in my maiden speech last year: the need to have a global mindset. Globalisation is an ongoing process which has delivered a more prosperous and equal world. It has changed the way we live and, crucially, the way we think. It is not a new concept. Scholars for decades have argued over its origins and distinctive phases and how the forces of globalisation have shaped our lives as they did those of our ancestors.

Some say that the dawn of civilisation was marked by the sharing of ideas between ancient civilisations, like those of Egypt, Babylonia—modern day Iraq—China and India. Indeed, the origins and wonders of mathematics can be traced back to about 2000 BC in Egypt and Babylonia. Others claim globalisation began in the 1400s, when bold new trade routes cut a swath through the world's most intimidating oceans—bridging cultures and bringing commerce on a scale not previously contemplated.

Whatever its beginnings and metamorphosis, there is little doubt the recent widespread uptake of the internet and emerging technologies is symptomatic of the pace and agility with which we now socialise and trade with others around the world. It is an instant age, at least by historical standards—standards we should be well aware may well become outdated very soon. Our interconnectedness with residents in Asia, Europe, the Americas and Africa is real. So too are the social and economic spin-offs. In particular, transport and communications changes have dramatically reduced the cost of doing business globally. We are all virtual competitors through the internet—witness the revolution being wrought by online shopping.

The explosive growth of the emerging economies, led by China, is spreading the fruits of development to billions of our fellow global citizens. As is often missed by the sometimes extreme discourse about China, its remarkable transformation constitutes the largest poverty reduction scheme in history.

Globalisation requires a deep and continuing engagement with other countries through both bilateral and multilateral fora, as well as strong business and people-to-people links. This requires a global mindset to understand what is happening abroad and the capacity to put ourselves in the shoes of others. Our education systems and our workplace culture are a good place to start. Every child should have the opportunity to learn a foreign language. Not only will it aid
their overall development; it will help them to understand foreign cultures and customs. We will be better global citizens and better understand our overseas customers.

Mandarin is the world's most spoken language followed by English and Spanish. The 2011 Australian Census showed that there are more than 600,000 Chinese speakers in Australia from 866,205 Australians with Chinese ancestry and 318,969 Chinese-born residents. In contrast, the latest Chinese Census shows there are just 13,286 Australians living in China. That is about one per cent of the near 1.2 million Chinese speakers living in Australia. The declining demand for Chinese language courses from those without Chinese ancestry has been notable over the past decade in Australia. That is why Tony Abbott's plan to encourage young Australians to study in the Asia-Pacific region will help nurture a global mindset and, hopefully, reverse this trend.

For a similar reason, I welcome the move this week by Victorian Premier Ted Baillieu to pioneer a speaking approach rather than the traditional writing approach to Chinese language lessons in Victorian schools. The Victorian government will also send 1,500 year 9 students to the Chinese province of Jiangsu over a five-year period. Both initiatives will hopefully boost Asian language demand from young Australians and trigger a broader engagement with our most important trading partner. While there must not be a push to focus solely on Chinese culture and language in our schools and universities, the benefits appear to be enormous in the short, medium and longer term as China's rapid urbanisation continues apace and with it opportunities to service a ballooning middle-class as it transforms into a more high-level high technology and service based economy.

Another encouraging sign is the release this month of the Asialink report by the ANZ Bank's chief executive and chairman of Asialink, Mike Smith. It is titled, *Developing an Asia capable workforce*. The report calls for a business-led national centre for Asia capabilities and for Universities Australia to design tertiary Asia capability courses. It urges courses to be focused more on network building, applied research, skills development and advocacy. In essence, it is trying to engender a global mindset so that Australian businesses and graduates can better understand our Asian partners and the complexity and nuances of Asian cultures and commerce.

Genuine, deep and rewarding engagement with Asia requires a cultural and psychological shift in the way many of us currently think. We can learn a lot from Australian businesses, big and small, that have flourished in Asia for decades—those that have gone largely unnoticed while their domestic competitors remained focused on domestic markets or traditional European and American export markets. These barriers, perceived and real, need to be broken. Australian businesses must develop an overarching framework that allows for a reciprocal exchange with foreign trading partners. Mutual benefits will follow. The course has already been set: pragmatic measures need to hold sway over rhetoric. That means Australian workers spending valuable time on the ground in Beijing, Tokyo, Singapore, Kuala Lumpur, Jakarta, New York, Sao Paulo, Frankfurt, Madrid— wherever the best opportunities lie.

The deregulatory reforms of the Hawke-Keating era followed by those of the Howard government opened our economy to the forces of world markets. These were vital first and second steps to a more meaningful engagement with the world. As a result, while there has inevitably been some pain,
our economy is more robust and standards of living have risen markedly.

Rudd-Gillard Labor has reversed some of these hard-won gains with its old-school thinking when it comes to industrial relations, tax regimes and marketplace regulation. Its rhetoric belies a global mindset and seems incapable of creating a more open economy and a society of opportunities where Australian business can foster a global mindset and flourish. Whatever broad messages it may spruik through the imminent release of its white paper on Australia in the Asian century, this government has shown that it is still beholden to unions, overregulation and the old ways of doing business. The government still sees itself, not entrepreneurs and risk takers, at the centre of the economy. This approach is reflected in the fact that when the Labor government took over in 2007, Australia ranked 68th in terms of the burden of government regulation. Now, in 2012-13, we rank 96th in the world—in fact, behind many countries which we would classify as emerging economies.

Only the conditions of an open economy will encourage domestic firms to be born global and truly engage and compete successfully with foreign competitors. Our workplaces must adapt to those requirements. Some have already done so and, with the opportunities presented by the digital age, many business structures are getting flatter. There is a shift to a more collaborative approach to problem solving.

The rise of crowd sourcing over the past six years has taken many off guard, but has created opportunities and challenges for small business in Australia. For those who may not have heard of the concept, crowd sourcing is when a business uses the internet to outsource work or projects to a large group of entities or people—a crowd. This is work that would normally have been performed by an employee or external contractor. Using the internet, the reach is across national borders; it is global and instant. While caution is required, there have been many success stories to date. Many individual contractors and businesses have performed work for overseas companies and, conversely, have had work completed for them by foreign nationals. Crowd sourcing is just one way in which a global mindset can break down traditional barriers to overseas commerce.

We also need our state capitals to become global cities which host activities and decision makers with impact on the international economy. Without the economic and social tools of a global city at our disposal we run the risk of becoming a branch economy, beholden to global cities around the world with lower costs of doing business and less restrictive regulatory frameworks. These cities are not waiting for Australia to sharpen her competitive edge. This will limit our capacity to make the decisions that affect our businesses, our workers and our families and effectively hand control over our destiny to other countries.

Nurturing our artistic and creative industries is another way to start building the global cities we need. The capacity of these industries to attract and retain the best and brightest overseas talent is immense and should be encouraged. Vibrant, diverse and creative cities will limit the exodus of our own intellectual capital. Industry clusters around major universities can become engines for local economic growth with global reach. This is a great challenge, but developing those global cities is important if we are to have real influence in the emerging global economy.
Mr President, I seek leave to speak for up to 20 minutes.

Leave granted.

Senator FIERRAVANTI-WELLS: I rise this evening to speak out on the government's continued hiding of important documents pertaining to the member for Dobell. Over a year ago I commenced a freedom of information request in relation to certain documents pertaining to the $2.7 million jobs incubator promised at the last election to be established as a partnership between Wyong Shire Council and Central Coast Group Training. The documents I sought covered representations made by Mr Thomson to ministers in relation to this project. In particular I was seeking evidence of efforts I believed Mr Thomson had made to scuttle CCGT's involvement in the project.

The Labor government has gone to extraordinary lengths to block access to these documents. In March this year I sought an order for production in the Senate. The debate was shut down by Labor and their Green alliance partners. On 21 March I asked Senator Kim Carr, representing Mr Garrett, a series of questions about representations made by Craig Thomson to the minister in relation to this project. In particular I was seeking evidence of efforts I believed Mr Thomson had made to scuttle CCGT's involvement in the project.

The Labor government has gone to extraordinary lengths to block access to these documents. In March this year I sought an order for production in the Senate. The debate was shut down by Labor and their Green alliance partners. On 21 March I asked Senator Kim Carr, representing Mr Garrett, a series of questions about representations made by Craig Thomson to the minister in relation to the project. Those questions were responded to with blather and what is now evident was clearly misleading information—as shown by documents that have been produced to me not by the Commonwealth of Australia but by Wyong Shire Council.

When I was unable to obtain documents from the government I approached Wyong Shire Council, which has released to me a folder full of documents including the documents the government had been refusing to produce or had heavily redacted. Despite continued exchanges with the Department of Education, Employment and Workplace Relations and now a substituted decision in this matter—following my approach to the Office of the Australian Information Commissioner—DEEWR has still not released the information sought.

The myriad documents that have been provided to me by Wyong Shire Council clearly show that Mr Thomson intervened with Minister Garrett, seeking to discredit Councillors Best and Eaton from CCGT in a deliberate attempt to stop the jobs incubator going ahead as was originally intended; namely, as a joint partnership between Wyong Shire Council and CCGT on council owned land in Wyong. These were the parameters for which $2.7 million was allocated at the 2010 election. The documents to which I have still been denied full access by DEEWR, but which have been supplied by the Wyong Shire Council, still have huge slabs of material redacted. This is clearly an attempt by the government to censor the parts where Mr Thomson sought to intervene in the process by besmirching Councillor Best and then Mayor Doug Eaton.

In the latest iteration of my FOI request, one additional but heavily redacted document has been produced which confirms the assertion that I previously made, and that is that it is clear that Minister Carr in answering questions to me in this place was misleading. When I questioned Minister Carr about attempts by Craig Thomson to derail the project he said there had been the usual communication between the minister and the member about the progress of the project. DEEWR's substituted decision contains the same words as those in the question time brief.

But the letter forwarded by Mr Thomson to Minister Garrett dated 20 July 2011—and obtained from Wyong Shire Council, which received a copy—can in no way be described
as 'the usual communications that have occurred between local members of parliament and ministers in regard to progress on projects in their electorates'. The unredacted letter obtained from Wyong Shire Council clearly shows that Mr Thomson sought to discredit Councillors Best and Eaton and put the kybosh on their participation in the jobs incubator project. This could not in any way be described as normal correspondence, and I believe that Minister Carr's statement to this effect was misleading.

I now move to another disgraceful attempt by the Australian Labor Party to cover up documents pertaining to Craig Thomson. Since May this year I have been seeking the public release of the attachments to the Fair Work Australia report into the Health Services Union and Mr Thomson. Those documents are referred to in the report. There are seven lever arch folders of documents which were forwarded to the Senate Standing Committee on Education, Employment and Workplace Relations. It is clear that the Australian Labor Party and the Greens alliance partners are conspiring to prevent media focus on Craig Thomson through access to those documents. The committee has decided not to release the documents and accordingly they will not receive the proper scrutiny that they deserve.

I have personally read all seven folders and it is very clear to me that release of these documents would considerably add to the public understanding of the matters that were traversed in the Fair Work Australia report and indeed would provide a further understanding of the extent of Mr Thomson's activities. However, given the strict nature of the committee's ruling in relation to these documents, I am not allowed to disclose the material that I have read. I am not allowed to make comments about what the documents contain. But if released I believe that they could well shed light on further misuse of HSU funds. Those documents may, for instance, shed further light on Mr Thomson's extracurricular activities and no doubt generate more negative and bad headlines for him. Having read every page of these seven lever arch folders, I believe that the Australian Labor Party will do everything possible to ensure that these documents never see the light of day.

One wonders why the Australian Labor Party and in particular senior ministers, such as Minister Albanese, appear to be rehabilitating Mr Thomson. We saw Mr Thomson recently at the opening of the GP superclinic at Woongarrah, which indeed has given Mr Thomson a fair share of headaches. I would remind the Senate that this is the GP superclinic that was promised quite a number of years ago. It has taken years and lots of heartache to provide a GP superclinic on the Central Coast. It is, I might add, a quarter of the original size that was promised by the Rudd-Gillard Labor government. I would remind the Senate that it was a comment by Councillor Best in a local radio interview about the government's lack of progress and delay in finalising the GP superclinic that led Craig Thomson to send his 'bye-bye jobs incubator' threat to Councillor Best on 15 July 2011.

Of course, in the debacle that has become the legislation pertaining to the super trawler we even saw Mr Thomson putting forward amendments to the shambolic fishing legislation in the House of Representatives last week. I am sure that many scratched their heads and wondered why Mr Thomson had suddenly taken an interest in fishing. But it is perhaps not surprising to some of us, given his extensive knowledge of fishnets acquired no doubt in his trawling through many less than salubrious establishments around the country. But back to the rehabilitation of Mr Thomson. As I indicated earlier, we see Mr Thomson being
photographed with Minister Albanese at the opening of the troubled GP superclinic. Given the history of the clinic, I am very surprised Minister Albanese was prepared to attend. And then I understand he visited the Shelly Beach and Soldiers Beach Surf Club. Of course this is the surf club that was opened at the height of media interest in Mr Thomson, when he was missing in action. I attended the opening but Mr Thomson was noticeable by his absence. A subsequent event was organised so that Mr Thomson could attend, and low and behold he now appears to be attending a third time to some sort of opening with Minister Albanese. Let us not forget that this is the man who has at this stage had a whole series of findings made against him by Fair Work Australia, a man who is supposedly no longer welcome in the Labor caucus, a man that the Prime Minister has supposedly distanced herself from. Yet here he is proposing amendments to the latest shambolic fishing legislation.

Of course, this is all part of the Australian Labor Party still keeping Mr Thomson in the tent. It is also clear that the Australian Labor Party is seeking to delay the preselection in Dobell. My understanding is that the preselection was to have been held in September but that it has now been delayed until next year. And so what we are seeing with Minister Albanese’s visit is that the ALP still needs Mr Thomson and his vote.

Despite the move to the crossbench, the protection racket is still in operation. One would assume that there would be little chance that Mr Thomson would be re-endorsed—or would he? So I asked myself: what is all this about? Is the ALP stringing Mr Thomson along with the carrot of potentially re-endorsing him at a preselection at some stage in the future?

It reminds me of the situation some years ago when Cheryl Kernot was standing in the seat of Dickson and John Faulkner was alleged to have gone up to see Miss Kernot to tell her that the good news was that she was polling really well and she would likely hold Dickson but the bad news was that she was doing so well that there was no more money. And so I say to you, Mr Thomson, do not delude yourself into thinking that the Australian Labor Party will in any way look after you. They will drop you like a hot potato, just like they cut loose Cheryl Kernot and Kevin Rudd. The question that went through my mind seeing the photograph of Minister Albanese and Mr Thomson at the opening of the GP super clinic was: what must Minister Albanese have really been thinking? Is it almost a case of, ‘Et tu, Brute?’

I also understand that that the preferred candidate in Dobell is Councillor Lisa Matthews, who has recently been re-elected to Wyong Shire Council. Might I suggest, Mr Thomson, that you keep a close eye on Councillor Matthews. The ALP, through her, may end up doing the dirty on you. A party that can politically assassinate its Prime Minister in office will have absolutely no hesitation in doing the same to you when they no longer need your vote to hang on to power.

Or is there another reason? Are we seeing a replay of what I originally put on the record in August last year when I asserted that the Australian Labor Party had paid the legal expenses of Mr Thomson, which I understood to be a quarter of a million dollars, and that it had been brokered by then Senator Mark Arbib. At no stage—and I have repeated this assertion on a number of occasions—has it ever been denied by Mr Thomson or then Senator Arbib. And so I asked myself the question, remembering that Mr Thomson has twice been forced to disclose the fact that the ALP was paying his legal fees: is the Australian Labor Party, through some backdoor deal, still continuing
to pay Mr Thomson’s legal expenses because they desperately still need his vote?

There may be another reason why the ALP is now engaged in seeking to so comprehensively rehabilitate Mr Thomson. We know that Mr Thomson was paid his legal fees to ensure that he did not go bankrupt and jump ship. But could the ALP be afraid that, if he is not looked after, he may disclose information which could be highly damaging and embarrassing to the party and to individuals? Certainly the ALP has gone to extraordinary lengths to protect Mr Thomson and to ensure that important documents pertaining to his conduct do not see the light of day.

Senate adjourned at 23:34

DOCUMENTS

Tabling

The following government documents were tabled:

Treaties—

Bilateral—Agreement between the Government of Australia and the Kingdom of Spain for the Mutual Protection of Classified Information of Defence Interest, done at Madrid on 17 November 2011—Text, together with national interest analysis and annexures.

List of multilateral treaties under negotiation, consideration or review by the Australian Government as at August 2012.

Multilateral—Agreement Establishing the African Development Fund, done at Abidjan, Côte d’Ivoire on 29 November 1972 as amended, and Agreement Establishing the African Development Bank, done at Khartoum, Sudan on 4 August 1963 as amended—Text, together with national interest analysis and annexures.

Tabling

The following documents were tabled by the Clerk:

Defence Act—Determinations under section 58B—Defence Determinations—

2012/50—Post indexes—amendment.

2012/51—Leave and travel—amendment.

2012/52—Living-in accommodation—amendment.

Lands Acquisition Act—Statement describing property acquired by agreement for specified purposes under section 125.

Indexed Lists of Departmental and Agency Files

Tabling

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2012—Statement of compliance—Comcare.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Captain Paul Watson  
(Question No. 1999)

Senator Wright asked the Minister representing the Minister for Justice, upon notice, on 6 August 2012:

(1) Has the Australian Government made inquiries of the German, Costa Rican and Japanese Governments as to the whereabouts and circumstances of Captain Paul Watson, founder of the Sea Shepherd Conservation Society; if so, can details of those inquiries be provided.

(2) Has the Australian Government made inquiries of Interpol as to its response to a request made by Costa Rica that Interpol issue a notice for Captain Watson’s arrest; if so, can details of those inquiries be provided.

(3) Is the Australian Government aware of the grounds on which Captain Watson was held under house arrest in Germany for an offence that allegedly occurred in the Guatemalan high seas and involved a Costa Rican vessel; is so, can a detailed explanation be provided.

(4) If Captain Watson was to seek assistance and refuge in Australia: (a) would he be free to enter; and (b) would he be able to stay safely within the country or would he potentially be the subject of extradition proceedings and/or related mutual assistance agreements.

(5) Does Australia have an extradition agreement with Costa Rica or Japan.

Senator Ludwig: The Minister for Justice has provided the following answer to the honourable senator’s question:

(1) The Australian Government has not made enquiries of Germany, Costa Rica or Japan in relation to Mr Watson as he is a dual citizen of Canada and the United States. It is a matter for those countries to make those enquiries.

(2) The Australian Government is aware that an Interpol Red Notice was issued in respect of Mr Watson at Costa Rica’s request. The Australian Government did not make inquiries of Interpol as it would not expect to be a party to discussions concerning the issue of an Interpol Red Notice made at the request of another country.

(3) The Australian Government is not aware of the grounds on which Mr Watson was held under house arrest in Germany and would not expect to be provided with information concerning Germany’s domestic law enforcement.

(4) Mr Watson’s ability to enter Australia would be governed by the provisions of the Migration Act 1958 (Cth). If Mr Watson wished to make a claim for asylum it would be assessed in accordance with the provisions of that Act. An extradition or mutual assistance request could be made to Australia in respect of Mr Watson. Any request would be assessed in accordance with the provisions of the Extradition Act 1988 (Cth) and/or the Mutual Assistance in Criminal Matters Act 1987 (Cth) and any applicable treaty provisions.

(5) Australia does not have a bilateral extradition relationship with Costa Rica. It cannot consider an extradition request from Costa Rica other than for offences covered by multilateral conventions attaching extradition obligations to which both Australia and Costa Rica are parties. Australia can consider an extradition request from Japan as Japan is declared in the Extradition (Japan) Regulations 1988 to be an ‘extradition country’ for the purposes of the Extradition Act.
Australian National University
(Question No. 2015)

Senator Abetz asked the Minister for Tertiary Education, Skills, Science and Research, upon notice, on 14 August 2012:

Given that the Australian National University Student Union has used funds acquired under the student Services and Amenities Fee to purchase jelly beans and cupcakes for a free giveaway, as well as a jumping castle for students to use: (1) Is the Government implementation of a student Services and Amenities Fee being employed as intended? (2) Did the Government envisage the spending of funds on such items? (3) Does the Government consider this an appropriate use of funds acquired in accordance with the student Services and Amenities Fee? (4) What avenues are available to students who feel that their funds are being misspent?

Senator Chris Evans: The answer to the honourable senator’s question is as follows:

(1) Under subparagraph 19-37 of the Higher Education Support Act 2003 (the Act), universities are able to collect a fee to support the provision of student services and amenities. Universities cannot spend student services and amenities fee (SSAF) revenue in ways that are not specified in the Act. The Department has been working with universities to ensure they understand the provisions. Currently, the Department’s understanding is that universities have complied with the Act in implementing the SSAF.

(2) Under subsection 19 38(4) of the Act SSAF revenue may be expended for a range of purposes, including to:
- provide food or drink to students on a campus of the higher education provider;
- give students information to help them in their orientation; and
- support a sporting or other recreational activity by students.

(3) The Government considers it appropriate for universities to use the funding for the purposes identified in subsection 19 38(4) of the Act. Under the legislation, universities are required to consult with student representatives on the use of fee revenue.

Strategic Reform Program
(Question No. 2039)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

As at 30 June 2012, what specific savings have been made in the Strategic Reform Program (SRP) ‘Provisional Savings and Costs – SRP Stream Costs’ for:

(a) information and communications technology;
(b) inventory;
(c) smart maintenance;
(d) logistics;
(e) non-equipment procurement;
(f) preparedness and personnel and operating costs;
(g) reserves;
(h) shared services;
(i) workforce; and
(j) Mortimer implementation.
Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

There are no savings associated with the ‘SRP Stream Costs’. The ‘SRP Stream Costs’ are those funds allocated for investment in stream reform. The SRP includes over $2 billion in the Defence Budget to 2018-19 in order to support investment and enable implementation of reforms. In 2011-12, investments to enable reforms have been made in Information and Communications Technology, Smart Sustainment (including Inventory), Logistics, Preparedness and personnel and operating costs, Reserves and Workforce and Shared Services.

Defence: Communications
(Question Nos 2063 to 2065)

Senator Johnston asked the Minister representing the Minister for Defence, Minister representing the Minister for Defence Science and Personnel and the Minister representing the Minister for Defence Materiel, upon notice, on 20 August 2012:

For the period 1 January to 30 June 2012, for each agency within the responsibility of the Minister/Parliamentary Secretary:

(a) what communications programs were undertaken or were planned to be undertaken; and

(b) what was the total spend in each communications program.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Group/Service</th>
<th>Communications Program – 1 January to 30 June 2012</th>
<th>Total Spend ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capability Development Group</td>
<td>RFI Advertising Campaign in support of JP157 to</td>
<td>$6,331</td>
</tr>
<tr>
<td></td>
<td>investigate commercial options – 13 June 2012</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Systems Engineering Test and Evaluation Conference</td>
<td>$40,000</td>
</tr>
<tr>
<td></td>
<td>30 April 2012 and associated costs</td>
<td></td>
</tr>
<tr>
<td>Defence Science and Technology</td>
<td>Pacific 2012 conference and display (approved 2011)</td>
<td>$62,386.80</td>
</tr>
<tr>
<td>Organisation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Information Group</td>
<td>Sponsorship of ATSE Clunies Ross Awards</td>
<td>$10,000</td>
</tr>
<tr>
<td></td>
<td>Sponsorship of ANZ Societies of Air Safety Investigators</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>Media monitoring services</td>
<td>$2,700</td>
</tr>
<tr>
<td></td>
<td>Australian Computer Society Conference and Exhibition</td>
<td>$900.00</td>
</tr>
<tr>
<td></td>
<td>March 2012 (note – booth was paid for by DMO. Our costs include printing and additional lighting)</td>
<td></td>
</tr>
<tr>
<td>Vice Chief of the Defence Force</td>
<td>Joint eHealth Data Information System (JeHDI) website development</td>
<td>No cost to JHC</td>
</tr>
<tr>
<td>Group</td>
<td>Development of communication artefacts for JeHDI</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ADF Health Services Contract website development</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ADF Health Services Contract development and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>distribution of in-house flyer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ADF Health Services Contract development and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>distribution of service update flyer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 x EL1 – media operations</td>
<td>$93,740.00</td>
</tr>
<tr>
<td>Defence People Group</td>
<td>Navy brand and job specific advertising for Navy Officer and General Entry priority roles</td>
<td>$3,968,925</td>
</tr>
<tr>
<td></td>
<td>Army brand and job specific advertising for Army</td>
<td>$8,834,994</td>
</tr>
</tbody>
</table>
Senator Johnston asked the Minister representing the Minister for Defence Science and Personnel and Minister representing the Minister for Defence Materiel, upon notice, on 20 August 2012:

(1) For the period 1 January to 30 June 2012: (a) what was the hospitality spend for each agency within the responsibility of the Minister/Parliamentary Secretary; and (b) for each hospitality event, can the following details be provided: (i) the date, (ii) the location, (iii) the purpose, (iv) the cost, and (v) the number of attendees?

(2) For the period 1 January to 30 June 2012, can details be provided of the total hospitality spend for the office of the Minister/Parliamentary Secretary?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) (a) The Defence Portfolio’s expenditure on hospitality (excluding the Minister’s Office and minor Portfolio bodies) for the period 1 January 2012 to 30 June 2012 is as shown in Table 1.

(b) Details of date, location, purpose and (GST exclusive) cost of each event are provided at Table 2.

(2) Table 3 provides details of hospitality spending for the period 1 January 2012 to 30 June 2012, for the Ministers and Parliamentary Secretaries. Details provided include date, location, purpose and (GST exclusive) costs of each event for the period 1 January 2012 to 30 June 2012.

Attachments:

Table 1: Summary of Hospitality and Representational Allowance Expenditure for the Period 1 January 2012 to 30 June 2012 for Defence, DMO and DHA.

<table>
<thead>
<tr>
<th>Departmental Group</th>
<th>Representational Allowances $ excl GST</th>
<th>Hospitality Expense $ excl GST</th>
<th>Total $ excl GST 6 months</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEC &amp; CDF</td>
<td>0</td>
<td>9,565</td>
<td>9,565</td>
</tr>
<tr>
<td>OSCDF Group Other *</td>
<td>99,857</td>
<td>27,504</td>
<td>127,361</td>
</tr>
<tr>
<td>VCDF</td>
<td>0</td>
<td>24,026</td>
<td>24,026</td>
</tr>
<tr>
<td>Joint Operation Command</td>
<td>0</td>
<td>33,380</td>
<td>33,380</td>
</tr>
<tr>
<td>Navy</td>
<td>0</td>
<td>29,640</td>
<td>29,640</td>
</tr>
<tr>
<td>Army</td>
<td>0</td>
<td>30,267</td>
<td>30,267</td>
</tr>
<tr>
<td>Air Force</td>
<td>0</td>
<td>90,728</td>
<td>90,728</td>
</tr>
<tr>
<td>CDG</td>
<td>0</td>
<td>16,884</td>
<td>16,884</td>
</tr>
</tbody>
</table>
Summary of Hospitality and Representational Allowance Expenditure

<table>
<thead>
<tr>
<th></th>
<th>Representational Allowances excl GST</th>
<th>Hospitality Expense excl GST</th>
<th>Total excl GST 6 months</th>
</tr>
</thead>
<tbody>
<tr>
<td>CFO</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>CIOG</td>
<td>0</td>
<td>4,697</td>
<td>4,697</td>
</tr>
<tr>
<td>DSTO</td>
<td>0</td>
<td>22,106</td>
<td>22,106</td>
</tr>
<tr>
<td>Defence Support Group</td>
<td>0</td>
<td>78,745</td>
<td>78,745</td>
</tr>
<tr>
<td>Intelligence &amp; Security</td>
<td>9,601</td>
<td>26,083</td>
<td>35,684</td>
</tr>
<tr>
<td>Defence People Group</td>
<td>0</td>
<td>58,813</td>
<td>58,813</td>
</tr>
<tr>
<td>Total Defence (Excl. DMO &amp; DHA)</td>
<td>109,458</td>
<td>452,439</td>
<td>561,897</td>
</tr>
<tr>
<td>DMO</td>
<td>21,801</td>
<td>24,445</td>
<td>46,246</td>
</tr>
<tr>
<td>DHA</td>
<td>0</td>
<td>14,190</td>
<td>14,190</td>
</tr>
<tr>
<td>Total Defence Portfolio</td>
<td>131,259</td>
<td>491,074</td>
<td>622,333</td>
</tr>
</tbody>
</table>

* OSCDF Group Other includes: Strategic Reform and Governance Executive, Military Justice, Audit Fraud Control Division, Strategy Executive and Group Corporate Management Services

**Table 2: Event Level Detail for Defence, DMO, and DHA** *(available from the Senate Table Office).*

**Table 3: Event Level Detail for Ministerial Hospitality.**

Hospitality spend for the Ministers and Parliamentary Secretaries
For the period from January 12 to June 12
Minister for Defence

29 February 2012
Parliament House, Canberra
Working lunch – Australia/Brunei Ministers Defence Bilateral Discussions
$788.18

22 March 2012
Parliament House, Canberra
Singaporean Minister for Defence Bilateral discussions
$62.75

22 March 2012
Parliament House, Canberra
Lunch for Singapore Minister for Defence
$1058.64
*Cost includes $81.00 for alcohol
23 March 2012
Fraser's Restaurant, Kings Park, Perth
Conclusion of bilateral activities with Singaporean Defence Minister and his delegation
$1,735.67
*Cost includes $403.00 for alcohol

Minister for Defence Materiel – Mr Clare

27-28 September 2011
Parliament House, Canberra
Projects of Concern Meetings
$402.77
(Additional amount to the same event reported in the period 1 July 11 to 31 Dec 11)

23 April 2012
Parliament House, Canberra
Projects of Concern meeting
$496.36

24 April 2012
Parliament House, Canberra
Projects of Concern meeting
$103.64

Parliamentary Secretary for Defence – Mr Feeney
Nil Expenditure

Minister for Defence Materiel – Mr Carr
Nil Expenditure

Minister for Defence Science & Personnel - Mr Snowdon
20 March 2012
Parliament House, Canberra
Bilateral meeting with Belgian Delegation
$88.58

Parliamentary Secretary for Defence – Mr Kelly
4 June 2012
Parliament House, Canberra
Reimburse Dr Kelly afternoon tea costs
$49.34

Note: This list includes one Hospitality event, which occurred in the previous period, but was not reported until current period.

**Defence**

(Question No. 2082)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012.

For the period 1 January to 30 June 2012: (a) what savings have been made in reducing the cost of combat capability through the use of Reserves and deployable contractors; and (b) have any one-off savings been made; if so, where were these savings found?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

This question has been previously answered under Parliamentary Senate Question on Notice No. 1626 on 18 June 2012 for the period of 1 July to 31 December 2011. The response to that question remains correct. There have been no ‘one-off’ savings in relation to the use of Reserves on operations for the period of 1 January to 30 June 2012.

**Strategic Reform Program**

(Question No. 2086)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

As at 30 June 2012:

(a) of the savings expected over the period 2010-2019, what specific savings have been made in Storage and Distribution (logistics) Reform where the adoption of automated technologies and improved business practices ensure cost effectiveness and efficiency; and

(b) what one-off savings have been made?

Senator Bob Carr: The Minister for Defence has provided the following response to the honourable senator’s question:

(a) Achievement of Savings to 30 Jun 2012. Logistics reform savings of $19.212m have been realised since 2010 under the logistics stream of the Strategic Reform Program. Further savings are anticipated following the re-tender of the Defence Integrated Distribution Services contract through efficiencies derived from consolidation of warehouses, improved and standardised layouts and improved processes enabled by improved technology. The total projected savings resulting from the Defence Logistics Transformation Program over the period 2010-2019 are $350.453m. This includes some $79.9m of savings following reform of Defence distribution processes and procedures and $100m saving from Warehousing reform.

(b) One Off Savings. The savings delivered under Logistics Reform are expected to be recurring savings to operating costs, not one off savings opportunities.
Force Protection Review (Question No. 2087)

Senator Johnston asked the minister representing the Minister for Defence, upon notice, on 20 August 2012:

As at 30 June 2012:

(1) From which areas of expenditure will the enhanced force protection measure be made?
(2) What specific programs will be cut or deferred to meet this cost?
(3) Why did the Government cease disclosing deferrals in expenditure in the 2008-09 Budget which has continued through to the 2012-13 Budget?
(4) (a) What are the specific deferrals in expenditure since 2008-09; and
   (b) Why have these deferrals been made?
(5) What percentage increase, if any, will be made to enable future capital equipment initiatives over the forward estimates period?
(6) As it is not clear in the 2012-13 Budget, what specific projects are planned for approval in 2012-13?
(7) (a) What programs in 2012-13 will now have to be resourced through absorbed costs; and
   (b) what programs have been cancelled or deferred to enable these costs to be absorbed?
(8) Of the $20.6 billion worth of savings under the Strategic Reform Program (SRP) it appears that $4.6 billion of this involves the re-allocation of funds and is not a savings item at all - how can this claim of savings be made when it is in fact a reallocation of funds?
(9) Under the SRP: (a) why has the number of civilian employees to be cut been reduced from the forecast 3125; and (b) what is the new figure?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honorable senator's question:

(1) The Defence funded component of the Force Protection Review, $912 million has been funded as follows:
   • reprogramming of the Defence Capability Program (DCP), reprioritisation of lower priority initiatives and reprogramming of facilities program (primarily Single Leap 2) to better align its cash provision to the revised construction timetable ($436.1m);
   • existing capability projects ($402.3m); and
   • an amount of $73.5m reallocated within Defence by rebalancing a very small number of DCP projects.
(2) Defence has either delayed or revised the expenditure spread for a total of 11 Defence Capability Plan Projects to fund the Force Protection Review.
(3) Defence has not ceased disclosing information. As a consequence of the 2009 Defence White Paper, a new funding model was applied to the Defence budget and therefore there was no appropriation reprogramming in the 2009-10 budget.
   Appropriation reprogramming was again undertaken in the 2010-11 budget as shown in the Portfolio Budget Statements 2010-11 (Pg 22, Table 10: Budget Measures and Other Budget Adjustments).
   Capital Investment reprogramming was undertaken in the 2011-12 budget as shown in the Portfolio Budget Statements 2011-12 (Pg 28, Table 11: Defence 2011-12 Budget Measures and Other Budget Adjustments).
Efficiencies and reprogramming was undertaken in the 2012-13 budget as shown in the Portfolio Budget Statements 2012-13 (Pg 29, Table 15: Defence 2011-12 Budget Measures and Other Budget Adjustments).

(4) (a) and (b) See Annex A (available from the Senate Table Office).

(5) The total Approved Major Capital Investment Program is $3,138.3m in 2012-13 and $7,394.1 million over the 13-14 to 15-16 forward estimates period (refer Table 18 of the Portfolio Budget Statements 2012-13). The amounts in each year of the Approved Major Capital Investment Program is not managed on a percentage increase basis but rather reflects the cash flow required to support the delivery of particular projects. This may or may not be a linear relationship.

(6) DCP projects in development for consideration by Government were provided on page 133, tables 84 and 85 of the Portfolio Budget Statements 2012-13. The DCP and its associated regular updates are available through the Defence website (refer http://www.defence.gov.au/dmo/id/dcp/dcp.cfm ).

(7) (a) and (b) As shown on page 29, table 15 of the Portfolio Budget Statements 2012-13, the following Budget Measures have been absorbed within Defence's existing budgets in 2012-13:

- Coastal surveillance – continuation of Operation Resolute;
- Intermodal terminal at Moorebank in Western Sydney – Defence relocation; and
- Bushmaster vehicles – acquisition of long-lead supplies.

As shown on page 31, Table 17 of the Portfolio Budget Statements 2012-13, Defence will absorb some costs associated with Defence Operations and Enhanced Force Protection Capabilities.

(8) The Strategic Reform Program is a comprehensive program that features many aspects of reform that are not directly focused on efficiency. The reallocation of funds in the "Other Cost Reductions" component reflects an increase in the efficiency with which Defence allocated resources. It also reflects improved Defence planning and understanding of the Defence Budget. These are all key outcomes of the Strategic Reform Program.

(9) (a) and (b) The workforce reductions from efficiency savings and the 0.7% productivity have been combined to give Defence Budget Audit workforce reduction totals of 3,125 civilians and 1,713 military compared to SRP reductions of 1708 civilians and 859 military.

The difference is attributed to adjustments to Defence Materiel Organisation (DMO) and Defence Science and Technology Organisation (DSTO) workforce savings, removal of operational and capability related workforce from the baseline and savings, inclusion of efficiency and effectiveness savings for DMO and DSTO, and inclusion of Logistics workforce savings.

Within SRP, there is growth within civilian positions under the Workforce and Shared Services Reform (WSSR) and Non Equipment Procurement streams. The total APS workforce growth is 1,416 (civilianisation 535 and contractor conversions 881) across the decade realising approximately $1b in savings due to the reduced cost of employing civilians into these support roles.

Total APS efficiency improvements comprise APS WSSR efficiency savings of 1,374 Full Time Equivalent (FTE), 5 FTE associated with ADF Gap Year reductions and 0.7% productivity savings of 729 FTE. The net civilian workforce impact by 2018-19 after taking into account FTE workforce growth associated with civilianisation is a saving of 1,573 FTE.

Further savings of up to 124 FTE associated with Logistics stream reform are yet to be finalised so have not yet been included in workforce guidance trails.

Tourism

(Question No. 2091)

Senator Ronaldson asked the Minister representing the Minister for Tourism, upon notice, on 20 August 2012:
(1) Did Tourism Australia have an official partnership with the Northern Trust Open for the 2012 PGA TOUR tournament held from 14 February to 19 February 2012.

(2) Can the Minister and/or Tourism Australia confirm whether Tourism Australia VIPs participated in an exclusive clinic with a PGA TOUR professional during the tournament; if so: (a) at what location and on what date was the clinic held; (b) how many Tourism Australia VIPs participated in the clinic; and (c) what were the full names of the individuals who participated in the clinic.

(3) Were 18 Tourism Australia VIPs also involved in coordinating or participating in other events and promotions run by Tourism Australia at the Northern Trust Open; if so, can details of their involvement be provided.

(4) Was Tourism Australia responsible for the transport and accommodation of 18 Tourism Australia VIPs who participated in the clinic and/or coordinated or participated in other events and promotions run by Tourism Australia.

(5) What was the cost of travel, accommodation, food and other expenses for the Tourism Australia VIPs at this event.

(6) What was the additional cost, if any, of the exclusive clinic held between Tourism Australia VIPs and a PGA TOUR professional.

Senator Chris Evans: The Minister for Tourism has provided the following answer to the honourable senator’s question:

(1) Yes.

(2) Yes.

(a) Location was Riviera Country Club Driving Range on 17 February 2012 for 30 minutes.

(b) The clinic was provided as part of Tourism Australia’s overall sponsorship package of the Northern Trust Open 2012 and was not a Tourism Australia sponsored event. As such attendance by Tourism Australia’s guests was not mandatory and not officially recorded. Unofficial records indicate ten Tourism Australia guests participated in the clinic.

(c) Ten people are known to have participated in the clinic from media and golf tourism related organisations. The names of attendees cannot be provided due to privacy of the individuals concerned.

(3) Yes. Tourism Australia’s guest participated variously in the following events and promotional activity:

(a) Tournament related events: opening luncheon and Tourism Australia sponsored Wednesday ‘pro-am virtual draw and awards reception’.

(b) Tourism Australia guests were also provided with semi private viewing and dining and refreshment facilities during the event. Sponsorship included:

- Branded Tickets, Course Maps, and Video Boards
- Full page advertisement in the official program (20,000+ copies)
- Full page acknowledgement in the daily pairings guide (60,000+ copies)
- Australian tourism branding in the corporate hospitality area (visited by 400+ guests each day, including from corporate partners such as Northern Trust, Club Car, Mercedes-Benz, Principal Financial, Fidelity Investments, KPMG Consulting, Konica Minolta, MasterCard, PricewaterhouseCoopers, Tommy Bahama, Berringer Wine, and Fox Sports Television Network)

(c) In partnership with Tourism Victoria, Tourism Australia hosted a consumer display in The Grove Exposition Space during tournament week where fans entered to win a VIP trip to Australia provided by Tourism Victoria and Down Under Endeavours (a Chicago based specialist tour operator). This display
was visited by more than 15,000 consumers each day and Down Under Endeavours generated more than 500 consumer leads.

(d) Tourism Australia held a ‘Golf Roundtable’ discussion in conjunction with Australian tourism initiative Great Golf Courses of Australia and the travel agents and wholesalers in attendance, to discuss how best to approach the US golf travel market, access product, communicate to consumers, utilize media channels, create branding, implement marketing tactics, gather research and develop product opportunities. 18 people from key wholesalers, tour operators, media representatives, and state tourism partners attended. The names of attendees cannot be provided due to privacy of the individuals concerned.

(4) TA provided airfares and one night accommodation for participants who were not local to the event.
(5) The cost of travel, accommodation, food and other expenses for Tourism Australia guests to attend sponsorship events associated with the Northern Trust Open 2012 was: $11,749.41
(6) There was no additional cost for the clinic.

Resources and Energy
(Question No. 2092)

Senator Siewert asked the Minister representing the Minister for Resources and Energy, upon notice, on 21 August 2012:

With reference to the map "South-west Marine Region - Petroleum Titles (May 2012)" (www.environment.gov.au/coasts/mhp/reserves/pubs/map-sw-petroleum-titles.pdf ), which identifies petroleum titles and acreage releases that intersect with or are immediately adjacent to the final Commonwealth marine reserves proposal in the South-west Marine Region:

(1) Does the map show all petroleum titles and acreage releases that intersect with or are immediately adjacent to the network of marine reserves in the South-west Marine Region; if not, can a complete map be provided, and if a complete map cannot be provided, why not.
(2) For each intersection identified on the map, will the petroleum title or acreage release be affected by the proposal; if so, can details be provided; if not, why not.

Senator Chris Evans: The Minister for Resources and Energy has provided the following answer to the honourable senator’s question:

(1) The map "South-west Marine Region - Petroleum Titles (May 2012)" identifies petroleum titles and acreage releases that intersect or are immediately adjacent to the final Commonwealth Marine Reserves proposal in the South-west Marine Region” as stated on the map up to and including the May 2012 acreage release. Only the leases that intersect or are adjacent to the reserves were included. For the purpose of determining adjacency, a 5km margin was applied, that is titles or acreage releases within 5km of the final Commonwealth Marine Reserves proposal were identified.

(2) This question is more efficiently dealt with by treating the intersections as a group, as the response is the same for each.

The content of the reserve management plan for these areas is still a matter to be finalised. However, the inclusion of all or part of a petroleum title within Commonwealth marine reserves that are zoned to permit those activities is not expected to significantly complicate operational arrangements for exploration or development of a petroleum resource.

There may still be perceptions in the market that the conditions applied to petroleum activities affecting an area inside a marine reserve will be less favourable than those applied to the same activity outside. If this were the case it would be a reflection of the operational requirements determined by the environment in which the two activities are located, rather than a result of one being located within a reserve and the other outside.
The activities compatible with each International Union for Conservation of Nature (IUCN) Category within the proposed marine reserves network have already been determined based on the Environment Protection Biodiversity Conservation Act 1999 (EPBC Act) Regulations pertaining to each IUCN Category. Australia’s interpretation of the IUCN category VI is that the exploration and production of oil and gas is consistent with that category. Consequently, oil and gas exploration and development will be permitted in all IUCN VI zones within the new proposed South-west Commonwealth marine reserves (with the exception of Special Purpose Zones which explicitly exclude oil and gas exploration and development i.e. the Special Purpose Zone off the Capes region in the SW marine region).

Prior Usage Rights, Section 359(1) of the EPBC Act exempts any seabed usage rights that pre-date the proclamation of a reserve from the provisions of the reserve’s management arrangements. Subsequent titles, such as a retention lease granted following on from an exploration permit, are not protected by section 359.

Release areas S12-1, S12-2 and existing titles of WA379-P, WA380-P, WA481-P, EPP37 - 42, overlap Commonwealth marine reserves and proposed reserves zoned Multiple Use Zones (IUCN VI), or Special Purpose Zones (IUCN VI) that allow petroleum activities. A permit or approval by the Director of National Parks will be required for petroleum activities in these areas of overlap.

The areas are also subject to other applicable EPBC Act provisions and Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGS Act) requirements. That is, while some petroleum related activities in these areas require assessment and approval due to their potential to have a significant impact on matters of national environmental significance (NES), all petroleum related activities require approval by the Director of National Parks (unless specifically identified in the management plan as not requiring approval). In addition, all petroleum activities must have approved and comply with an Environment Plan accepted by the National Offshore Petroleum, Safety and Environmental Management Authority (NOPSEMA), the regulator under the OPGGS Act.

Irrespective of where petroleum activities occur in the Commonwealth marine area, the regulatory regime established by the Australian Government under national environmental law, the EPBC Act, and the OPGGS Act, already ensure high standards of environment assessment, approval and practice apply to the industry.

**Defence: iPads and Tablets**

(Question No. 2100)

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 23 Aug 2012:

How many:

(a) iPad 2 or equivalent tablet devices have been provided to departmental personnel since 1 July 2011;
(b) iPad 3 or equivalent tablet devices have been provided to departmental personnel since 1 April 2012; and
(c) iPhones have been provided to departmental personnel since 1 November 2010?

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator's questions:

(a) Six iPad 2 or equivalent tablet devices have been provided to departmental personnel since 1 July 2011;
(b) Two iPad 3 or equivalent tablet devices have been provided to departmental personnel since 1 April 2012; and
(c) Six iPhones have been provided to departmental personnel since 1 November 2010.
Defence also has 203 iPad 1s that have been provided to departmental personnel.

**Defence: iPhones and iPads**

(Question No. 2102)

Senator Johnston asked the Minister representing the Minister for Defence upon notice, on 23 August 2012:

If iPhones and/or iPads have been provided to ministerial office and departmental personnel, why have they not been supplied to Opposition staff and Shadow ministerial offices?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

Portfolio Departments are not responsible for the provision of iPhones and/or iPads or other information technology services to Opposition staff and Shadow Ministerial offices.

**Defence: Airline Club Memberships**

(Question No. 2104)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 23 August 2012:

How many (a) Qantas Club memberships; and (b) other airline club memberships, are provided to departmental personnel and at what cost.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

Some Defence employees have airline club membership funded by Defence where it provides value for money outcomes to Defence and is approved by an authorised financial delegate.

However it is not possible to provide accurate data on the total number of Defence employees who have these memberships funded by Defence. Payment is by various means (Defence Travel Card, Defence Purchasing Card or on a reimbursement basis) to one or more airlines and these transactions are not itemised separately in Defence’s financial management system or enterprise management system.

Under the Whole-of-Australian Government travel arrangements, some airlines do offer discounted lounge membership rates to government employees.

**Defence: Travel**

(Question No. 2105)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 23 August 2012:

Which departmental personnel have earned ‘frequent flyer’ points from airlines since July 1 2011, and what methodology is used to determine this information?

Senator Bob Carr: The Minister for Defence has provided the following answer to honourable senator’s question:

As an agency under the Financial Management and Accountability Act 1997, personnel in the Department of Defence do not earn ‘frequent flyer’ points when using airlines appointed to the Whole-of-Australian Government (WoAG) air services panel. Under this arrangement the Department of Finance and Deregulation (the contract manager) instructed airlines contracted to supply both domestic and international air travel to switch off their Frequent Flyer Points/Loyalty Reward Points from 1 July
2010. Where an airline was unable to meet the system change, travel management companies were requested to switch off points from their booking systems until affected airlines had a solution in place.

Frequent Flyer Points/Loyalty Reward Points may be accrued from airlines outside WoAG arrangements as there is no obligation by these airlines to turn off points. Defence has no way of tracking if points are accrued from official duty travel; however Defence personnel are required to comply with government policy and only use points accrued from official duty travel for future duty travel.

Defence: Travel
(Question No. 2107)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 23 August 2012:

Of the $227 million spent on travel in the 2011-12 financial year, how much was attributed to:

(a) uniformed personnel; (b) civilian personnel; (c) officers at or above executive level 1; and (d) officers at or above senior executive service levels.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

The information sought is not readily available. Defence does not have a single data source that identifies each trip undertaken by Department of Defence personnel, for both ADF and APS, and at various ranks and levels.

Defence
(Question No. 2108)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 24 August 2012:

With reference to the travel expenses of the Secretary and the Chief of the Defence Force, how much is expected to be saved by utilising video conference or similar technology in the 2012 13 financial year?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

The requirement for the Secretary and Chief of the Defence Force to travel is often necessary to meet Australia's international commitments and video teleconferencing is not an appropriate substitute. The Secretary and Chief of the Defence Force make use of videoconferencing, webcasting and other telephony services as part of their day to day management of the Department of Defence to communicate with and stay in contact with different components of Defence, our partners and allies. The travel programs of both the Secretary and Chief of the Defence Force have been structured for some time around utilisation of such technologies to the greatest extent possible and so there is no expectation that substantial further savings can be made in this regard.

Agriculture, Fisheries and Forestry
(Question No. 2112)

Senator Edwards asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 23 August 2012:

With reference to the snail problem on the Eyre Peninsula, Yorke Peninsula and in other regions of South Australia:
(1) What action has Wheat Exports Australia (WEA) taken to: (a) address this problem; and (b) ensure the quality of grain leaving South Australia is not contaminated with abandoned snail shells collected during grain harvest.

(2) How much has WEA spent, or is expecting to spend, on dealing with this problem.

(3) Who will be responsible for the integrity of Australian grain exports given the proposed phasing-out of WEA in 2012.

Senator Ludwig: The answer to the honourable senator's question is as follows:

(1) Wheat Exports Australia (WEA) has no role in managing the quality of Australian wheat exports.

(2) See answer to Part 1.

(3) While Australia does not have legislated quality standards for the export of wheat, industry has a well established market-driven system to secure and maintain long-term access to key export markets, particularly those which return a price premium.

This system is supported by a number of government and industry initiatives.

For example, DAFF Biosecurity provides export inspection and certification services to ensure trade descriptions are accurate and to reduce the risk of insects, pests and noxious weeds. The National Residue Survey monitors compliance with Australian Maximum Residue Limit standards and works with bulk-handling companies to sample bulk shipments of wheat.

Wheat Quality Australia, a joint initiative of the Grains Research and Development Corporation and Grain Trade Australia (GTA), manages Australia's wheat variety classification and consults regularly with domestic industry and international customers. GTA is responsible for the development of receival standards applied by storage agents across the country. These are also reviewed annually in consultation with industry.

Agriculture, Fisheries and Forestry: Staffing
(Question No. 2113)

Senator Edwards asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 23 August 2012:

With reference to the snail problem on the Eyre Peninsula, Yorke Peninsula and in other regions of South Australia:

(1) Since 2003, what action has the Grains Research and Development Corporation (GRDC) taken to address this problem.

(2) Does GRDC have a role in ensuring the quality of grain leaving South Australia is not contaminated with abandoned snail shells collected during grain harvest.

Senator Ludwig: The answer to the honourable senator's question is as follows:

(1) The Grains Research and Development Corporation (GRDC) has funded 10 Research Development & Extension projects in relation to snail control since 2003 with a total investment of $1,957,828.

- Optimising on-farm snail management ($82,500)
- The application of novel genetic approaches to pest land snails—a feasibility study ($89,600)
- Snail communication strategy ($5000)
- Snail market survey ($36,100)
- Design and printing of snail grower fact sheet ($2980)
• Integrated snail management in the Southern Region ($581 813)
• Assessment of the biological control potential Sarcophaja penicilliata ($147 641)
• Establishment survey of the biological control agent Sarcophaja ($10 000)
• Biological control of pest snails in Australia using native nematodes ($872 194)—GRDC is in the commercial development phase to determine whether an endemic nematode can be delivered commercially.
• Snail and slug control scoping study ($130 000)

GRDC has also undertaken extensive communication and extension activities in relation to snail control and management. These include:

• National Snail and Slug management and research workshop (Adelaide, January 2012) to identify research gaps, particularly focusing on the control of juvenile snails. Workshop outcomes have been developed into potential investments that GRDC is currently negotiating for commencement in 2013-14.
• Snail management fact sheet – southern and western regions (September 2012) distributed to all growers in the southern and western regions in GRDC's Ground Cover newspaper.
• PestFacts E-Newsletter part of the GRDC supported National Invertebrate Pesticide Initiative (NIPI) distributed throughout South Australia and western Victoria included snail updates in issues 1, 2, 6, 10 and 11.
• Snail identification: The Back Pocket Guide.
• Ground Cover TV snail control segment, also included on YouTube.
• Over the Fence case studies with printed articles, multimedia footage and photographs.
• Numerous presentations on snail controls at GRDC Grower and Advisor Updates.
• Numerous targeted media releases.
• Numerous articles in GRDC's Ground Cover newspaper and articles in the southern region advisor newsletter.

(2) No.

Agriculture, Fisheries and Forestry
(Question No. 2114)

Senator Edwards asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 23 August 2012:

With reference to the Rural Industries Research and Development Corporation and the primary industries health and safety program:

(1) What quantitative measures will be used to assess how many accidental deaths and injuries are mitigated by the $200 000 cited in the 2012-13 Budget Ministerial statement (page 35).

(2) How does this program ensure that health and safety issues are given high priority by farmers, fishers and foresters.

(3) What tangible measures are used by the department to assess changes in health and safety culture, including the ‘beliefs and values’ of farmers, fishers and foresters.

(4) What actions are being taken with the allocated $200 000.

(5) How much of this funding will be spent on the administration of the program.

(6) Does the training being provided meet national and international standards.
Senator Ludwig: The answer to the honourable senator's question is as follows:

(1) The Primary Industries Health and Safety Program ('the Program') routinely collates data on the health and safety of Australia's primary industries. Recent data shows that:

- Agriculture ranks second behind road transport as Australia's most dangerous industry.
- 150 people die from non-intentional injuries on farms each year.
- There has been a 44% decrease in the number of work-related deaths on farms between 1992 and 2006.
- 300 – 350 male farmers and farm workers die from traumatic causes (intentional and non-intentional) each year in Australia.
- The mortality rate in Australia's farming and fishing industries is four times that of the all-industry average (19.5 per 100 000 people compared to 5.5 per 100 000 people).
- Quad bikes were the leading cause of death on Australian farms in 2011, accounting for around one-third of fatalities.
- Cost of injuries in agriculture is estimated to be $1.29 billion annually.

However, no specific studies have been commissioned to determine how many deaths and injuries are mitigated directly as a result of funding under the Program.

(2) In addition to publishing research outcomes, the Program partners utilise existing rural networks to communicate key outcomes to farmers, fishers and foresters.

(3) The Program has undertaken specific research addressing:

- adoption of Health and Safety Change on Australian Farming and Fishing Enterprises
- achieving Safety Change on Australian Farms – using new and established pathways to improve adoption
- testing and Delivering Media Communication Strategies for Child Farm Safety.

These reports provide baseline information that can be used to measure change over time.

(4) The Program completed a program of activity against the Primary Industries Health and Safety Five Year Plan in June 2012.

(5) All of the $200 000 will be allocated to research and development activities. None of the $200 000 will be spent on administration of the program.

(6) The Program focuses on delivering research and development outcomes to improve the health and safety of workers and their families in farming and fishing industries across Australia. A number of training programs have benefited from this work, however the Rural Industries Research and Development Corporation does not register or accredit training providers or courses.