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the Senate and committee hearings are available at

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SITTING DAYS—2012

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

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For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
Governor-General
Her Excellency Ms Quentin Bryce, Companion of the Order of Australia, Commander of the Royal Victorian Order

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—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
### Members of the Senate

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

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

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
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<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>Minister Assisting the Prime Minister on Asian Century Policy</td>
<td>The Hon Dr Craig Emerson MP</td>
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<tr>
<td>Minister for Social Inclusion</td>
<td>The Hon Mark Butler MP</td>
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<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td>Cabinet Secretary</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
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<td>The Hon Wayne Swan MP</td>
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<tr>
<td>(Deputy Prime Minister)</td>
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<tr>
<td>Minister for Financial Services and Superannuation</td>
<td>The Hon Bill Shorten MP</td>
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<td>Assistant Treasurer</td>
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<tr>
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<td>Senator the Hon Chris Evans</td>
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<tr>
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<td>Parliamentary Secretary for Foreign Affairs</td>
<td>The Hon Richard Marles MP</td>
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<tr>
<td>Minister for Sustainability, Environment, Water, Population and Communities (Vice-President of the Executive Council)</td>
<td>The Hon Tony Burke MP</td>
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<td>Senator the Hon Don Farrell</td>
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<tr>
<td>Prime Minister</td>
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Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
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<tr>
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<tr>
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<td>The Hon Teresa Gobbo MP</td>
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<tr>
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<td>The Hon Warren Truss MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
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<tr>
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<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>Shadow Minister for Employment Participation</td>
<td>The Hon Sussan Ley MP</td>
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<tr>
<td>Shadow Attorney-General</td>
<td>Senator the Hon George Brandis SC</td>
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<td>Shadow Minister for the Arts (Deputy Leader of the Opposition in the Senate)</td>
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<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
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<td>The Hon Christopher Pyne MP</td>
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<td>Senator the Hon Nigel Scullion</td>
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<td>Senator Barnaby Joyce</td>
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<td><strong>Shadow Minister for Defence</strong></td>
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<td>Mr Stuart Robert MP</td>
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<td>Senator the Hon Michael Ronaldson</td>
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<td>Shadow Parliamentary Secretary for Supporting Families</td>
<td>Mr Jamie Briggs</td>
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<td>Mr Scott Morrison MP</td>
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Wednesday, 21 November 2012

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

BILLS

Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012

In Committee

Debate resumed.

The CHAIRMAN (09:31): The committee is considering the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012. The question is that the bill stand as printed.

Senator HANSON-YOUNG (South Australia) (09:31): I move Australian Greens amendment (3) on sheet 7310:

(3) Schedule 1, item 10, page 6 (line 18), at the end of subsection 23A(2), add:

; and (e) a requirement for the Authority not to propose an adjustment under paragraph (1)(a) or (b) without:

(i) undertaking modelling of the environmental impacts of the proposed adjustment using an integrated water model that takes into account the best available science including the most recent knowledge about climate change, ground water and the environmental water requirements of key environmental assets and key ecosystem functions of the water resource; and

(ii) publicly releasing the modelling along with a plain language assessment of the environmental outcomes modelled, including in relation to ground water and the environmental water requirements of key environmental assets and key ecosystem functions of the water resource.

This amendment put forward by the Greens requires that there be basin-wide modelling done prior to any adjustment in the levels of sustainable diversion limits to ensure that we know exactly what the impact of the changes to that water recovery, either up or down, will actually be. As per this legislation, after the authority proposes that a particular adjustment is made, it then goes to the minister and then of course it is a disallowable instrument. That modelling must be done so that the parliament understands and can make sure that the authority has all of the information at hand about the impact that that adjustment would have.

We have heard lots of talk over the last few days about the lack of modelling that has been available—and, to their credit, members of the Nationals have stood and spoken about this—and the lack of information that has been made public. This amendment would be about ensuring that, once there is an adjustment made, that information is available—that the authority is not making the proposal in a vacuum, as some would argue has been the case.

We need to make sure that we know what the environmental impacts of any adjustment are going to be. It is not good enough for the authority to say that they have done the modelling and have looked at it themselves and for them to keep the information to themselves. It must be available to the public. It must be available to the communities that that adjustment may or may not affect. The parliament must have access to it in order to make a decision about whether they accept or deny the minister's recommendation if an adjustment is to be tabled in this place.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital
The authority will have to assess that the adjustments proposed reflect an environmentally sustainable level of take. This is a requirement of the bill. The detail on how the assessment will occur is appropriately left to the Basin Plan. Based on the most recent draft of the Basin Plan and subsequent suggestions that have been made to the authority, the final plan is expected to set out details of the assessment methodology, including modelling requirements. In addition, the authority will have to include in its notice, which is tabled under 23B(2)(e) and 23B(3)(c), an outline of the materials on which it based its decision in determining that the criteria in the Basin Plan are met.

The CHAIRMAN: The question is that Australian Greens amendment (3) on sheet 7310 be agreed to.

The committee divided. [09:39]

(The Chairman—Senator Parry)

AYES

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

NOES

Polley, H
Ruston, A
Sinodinos, A
Stephens, U
Thistlethwaite, M
Williams, JR

AYES

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

NOES

Bilyk, CL
Boswell, RLD
Colbeck, R
Crossin, P
Farrell, D
Furner, ML
Joyce, B
Ludwig, JW
Macdonald, ID
McKenzie, B
Moore, CM
Parry, S

Question negatived.

Senator HANSON-YOUNG (South Australia) (09:41): I move Australian Greens amendment (4) on sheet 7310:

(4) Schedule 1, item 10, page 6 (lines 29 to 33), omit subsection 23A(4), substitute:

Limit on proposed adjustments

(4) One or more adjustments may be proposed by the Authority under paragraph (1)(a), and an adjustment may be proposed under paragraph (1)(b) as a result of those adjustments, only if the adjustment under paragraph (1)(b) would not have the effect of reducing the volume of water available for the environment.

This amendment is in relation to the adjustment ability within this legislation. As we know, in the bill as it currently stands there is an ability to adjust down, or reduce, the amount of water to be returned to the river and back to the environment or to increase it, but only to five per cent. This amendment would put a floor on the amount of water that the plan sets as the appropriate level of the minimum of water to be returned to the river. This amendment will remove the ability to regulate down and to reduce the level of water to be returned to the river—after, of course, the plan has been approved by the parliament.

We would also remove the cap on the level of achievement, because, as we know, this is a plan that is meant to stretch 20 years. This plan takes us out until 2030. With a drying climate, the impact of climate change with less run-off in the system, and changes to various parts of the Murray-Darling Basin in terms of the climate, it may be that we...
find that those targets or outcomes that we have set out to achieve in terms of restoring various environmental icon sites—how we manage the system—may need more water than the minimum that the plan has set. It may be that we need more than that extra five per cent, so we should not be putting a cap and limiting our level of achievement. Of course it still has to come back to parliament. There has to be the modelling to prove it and it has to go through all of that process, but why would we want to lock in a ceiling that limits our achievement for the next 20 years?

In my home state of South Australia, we know that the plan that is on the table is not enough to get us through the next drought. It is not enough to save our citrus growers in the Riverland. It is not enough to ensure that the dairy farmers throughout the bottom end of the system have water of a quality that is okay to feed their stock. We know that it is not enough in the drier years to keep the Murray mouth open. Why would we want to lock in failure?

This amendment takes away that limit and ensures that, regardless of who the next government may or may not be or the government after that or the government after that, you cannot just reduce the amount of water being returned to the river. Under the current legislation, if the plan is put to the parliament next week by the minister at a base level of 2,750 gigalitres, this would allow the amount of water to be returned by 2019 to the river system of only 2,100 gigalitres. That is half of what the best available science says is needed. That is death to the Coorong. That is a nail in the coffin to the lower stretches of the river and it does not give communities certainty throughout the basin that they will have a healthy, living river in years to come.

Unless we amend this part of the legislation, the only amount of water that will be guaranteed to be returned back to the environment is 2,100 gigalitres. That is not enough to save the system. That will condemn the Lower Lakes and the Coorong. It will not flush out the two million tonnes of salt each year that we need to flush through the system to keep the water quality healthy. It will not provide water certainty for the communities that rely on it. Over the next 20 years, we need to adapt to the climate as the climate changes—that is what this amendment is about—and ensuring that we do not limit our ability to look after the environment, look after the communities and not allow the amount of water to be returned to the river to be cut in half.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (09:46): There is already in this legislation the capacity that you cannot adjust down unless there is environmental neutrality. That is already part of the structure. If there is environmental neutrality and you want to help citrus growers or stock and domestic water suppliers as stated by Senator Hanson-Young then why should those people not have the capacity to utilise that water for irrigation? It is not saying that it is going to happen but in fact it is weighted more towards the environment—vastly more towards the environment—because you can only go down if there is environmental neutrality. One of the issues we have is that you can go up without economic and social neutrality.

To agree to this would be to go completely against all the negotiations that have happened thus far over a very protracted period of time where we are trying to get people from all sides of this debate together and this would work completely at odds with that.
Senator HANSON-YOUNG (South Australia) (09:47): In brief response to Senator Joyce: last night both the government and the opposition voted down the exact environmental targets that the plan would have to be benchmarked to, so they are not there. Maybe Senator Joyce was not paying attention last night but, if he was, he would remember that those targets are not in here. There is no benchmark, so South Australia has absolutely no guarantee that the next government could not come in here and legislate downwards the amount of water to be returned to the system. Tough luck for South Australia. Tough luck for the Coorong. Tough luck for the Lower Lakes. Tough luck for the Riverland. Tough luck for other communities throughout the basin who do not have in this legislation a guarantee of what those environmental targets are going to be. Senator Joyce can talk as much as he likes about the fact that the water will not be reduced, unless those environmental achievements and targets are met, except that he voted not to put them in the legislation, so it actually means nothing.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (09:49): The bill enables the Basin Plan to include an adjustment mechanism that can both decrease the sustainable diversion limit making more water available for the environment and increase the SDL reducing the amount of environmental water needing to be recovered. This amendment would restrict the mechanism to operate only one way and does not recognise that there are ways in which environmental water can be used more efficiently while achieving equivalent environmental outcomes.

The government supports an approach that both provides for environmental water to be used as efficiently as possible while maintaining the environmental outcomes of the Basin Plan and makes further environmental water available improving the environmental outcomes of the basin. Making this further water available is to be done in a manner that maintains or improves the social and economic outcomes in the basin. The five per cent limit is necessary to provide assurance about the range of change permissible under this plan.

The committee divided. [9:55]

(The Chairman—Senator Parry)

AYES

D Natale, R
Ludlam, S
Rhiannon, L
Waters, LJ
Wright, PL

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

NOES

Back, CJ
Birmingham, SJ
Brown, CL
Conroy, SM
Edwards, S
Faulkner, J
Furner, ML
Joyce, B
Ludwig, JW
Madigan, JJ
McEwen, A
McLucas, J
Nash, F
Polley, H
Ruston, A
Smith, D
Sterle, G
Thorpe, LE

Bilyk, CL
Boyce, SK
Cameron, DN
Crossin, P
Farrell, D
Feeney, D
Gallacher, AM
Kroger, H (teller)
Lundy, KA
Marshall, GM
McKenzie, B
Moore, CM
Parry, S
Pratt, LC
Singh, LM
Stephens, U
Thistlethwaite, M
Williams, JR

Question negatived.
Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (09:57): I move Nationals amendment (1) on sheet 7302:

(1) Schedule 1, item 10, page 9 (after line 35), after section 23B, insert:

23C Achievement of reductions in long-term average sustainable diversion limit

Any reduction in the long-term average sustainable diversion limit for the water resources of a particular water resource plan area may only be achieved through the purchase of water access rights if the purchase of those rights will not cause apparent social or economic detriment to the district in the Murray-Darling Basin from which the water is retrieved.

We have only put up one amendment, and it goes to the nub of the issue, which is the utmost concern for the 2.2 million people who live in the basin. In respect and in balance to an environmental outcome, we need the triple bottom line to be enshrined in the legislation and definitive. It is vitally important that we recognise that if this goes wrong we do have the capacity as it currently stands to destroy towns, to take away their economic lifeblood so that they collapse.

As I said in my opening speech, the picture we have in our minds is not even so much of the irrigators; it is of the people who live in a house on a street and who are looking to us to make sure that their economic base is protected. They do not get compensated if this goes wrong. These are people who have paid off their houses, who have done the diligent thing, who have done what the Australian public have asked and moved west to be a mechanic or a schoolteacher or a labourer; they have built their life up in one of these regional towns—and there are 2.2 million of these people. We must make sure that their economic and social fabric is maintained and that we do not devastate their lives, because they have as much right as the environment. I think that the purpose of this parliament is primarily to protect the rights of people, and these people certainly have rights.

This is a definitive statement of trying to make sure that, in any move you make, you must look at the social and economic outcomes of removing water from that district. There must not be an apparent social detriment. We always know there could be some form of detriment, but it must not be so apparent that it becomes quite obvious that you have affected the social and economic future of that town—whether it is Collarenebri or St George, Berry or Mildura. These people have done what our nation has asked of them and, therefore, we must respect that by dealing with the aspects that are pertinent to the river. We have proved our credentials there by, under the last days of the Howard government, putting $10 billion on the table to try and remedy the environmental outcomes.

If we want to maintain the respect of the Australian people, we must make sure we protect them from unreasonable social and economic detriment. What this basically says is that we have all these clauses in there about environmental neutrality, about protecting the environment. We have stated over and over again, ad nauseam, about the worth and benefit of the environment. The Australian people, particularly those 2.2 million who live in the basin, are worthy of at least one amendment that definitively spells out their rights, that they are not going to be the casualties of any actions by this government, or a future government, and that they can rely on one clause that says, 'You can't do that to our town because it is protected within the legislation—it is outside the law—therefore, you must not do it.'

Senator HANSON-YOUNG (South Australia) (10:00): The Greens will not be supporting this amendment. There are no
details, no criteria, in this. Who is to decide what is detrimental? Where is the detail of how that will be measured? It is not on the table. Senator Joyce has not given that to us at all. He wants us to pass this amendment with no details, no criteria, no nothing while at the same time voting down a very detailed amendment that does set some criteria, at least for the environmental outcomes. I would have been more than happy to have talked about how we determine and measure the detrimental socioeconomic indicators but they are just not there.

I want to point out one thing in relation to buybacks. We hear rumours that even within the coalition parties there are splits and people will cross the floor because they do not know what impacts the buybacks will have. There is a myth being peddled, particularly by the Nationals but by the coalition broadly, in relation to the impacts that buybacks are having. We know, at least from the public purse perspective, that buybacks are the most efficient way of returning water to the river. Let’s remember why we are doing this because more water has been allocated throughout the system than the river can sustain.

The Australian taxpayer is going through this process of buying back water that should never have been given away in the first place. South Australia uses seven per cent of the entire water in the basin yet we are spending $11 billion to claw back some of the water—just some of the water—that might get us somewhere near to returning the river to health.

We know that buybacks are four to five times cheaper in terms of their return rate of water. This is public money. I find it astonishing that the coalition does not seem to give two hoots about spending $11 billion on a plan that is not even going to achieve the outcomes. Why is that? Chair, I put to you that perhaps because most of the $11 billion will go to friends of Barnaby Joyce. Friends of Barnaby Joyce will get the $11 billion of money.

Senator Conroy: That is a serious misrepresentation. He has no friends!

The CHAIRMAN: Order! Senator Hanson-Young, please refer to senators by the correct title.

Senator HANSON-YOUNG: I will take that interjection by the minister. Apparently Barnaby Joyce has no friends. Well, he is going to have a lot of friends very soon—$11 billion worth of friends.

The CHAIRMAN: Order! Senator Hanson-Young, can you refer to senators by their correct title and, minister, no further interjecting.

Senator HANSON-YOUNG: Senator Joyce is going to make a lot of people in the upstream states very, very happy. Eleven billion dollars will be bankrolled out to big irrigators for buying back water that they greedily took when they should not have had access to it in the first place—$11 billion of Australian taxpayers’ money.

Let us look at some of the reaction from those irrigators who have participated in the buyback programs in the past. There was a survey and report done by the Department of Sustainability, Environment, Water, Population and Communities in relation to sellers of water entitlements, called Restoring the Balance in the Murray-Darling Basin Program. Some of the responses of people who have already participated in water buybacks under that program were: 80 per cent of irrigators surveyed said the decision to sell water had been positive for them, including 30 per cent who said the decision had been ‘very positive’. This is not doomsday, as the coalition would like to make out. Most of the 158 irrigators who sold their water and exited farming are now

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working in other employment in that same region—51 per cent are still working in the region—and 35 per cent have retired in that region, so they are still contributing the money they got to that local community.

Half of the irrigators who sold part of their water entitlement continued farming. So, after selling their water, they are able to continue farming, and they have said it has had no consequences for farm production. Around 30 per cent of irrigators surveyed who had sold all their water on entitlement and continued on the farm said that selling had had no impact on their ability to continue production. Around half of all irrigators who sold water to the Commonwealth did so because they believed they received a higher price for that than they would get selling their water on the market. It is a pretty good deal. It is also the best bang for the buck for the Australian taxpayer.

The coalition does not give a damn about spending $11 billion and not even getting the environmental outcomes that this plan is meant to achieve. What happens in five years when we are back in drought? We have already spent $11 billion not returning enough water to the river.

What then? When the impacts of climate change start biting in the southern basin and the water quality north of Adelaide is too salty to feed stock, let alone use domestically—what then? How are we going to get back the water that we need when we have just spent $11 billion not returning enough water but bankrolling Senator Joyce's mates?

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (10:07): Well, where does one start? It is a wonderful day: I have just been informed that I have lots of friends—that is a turn up for the books—and I have just found out that I have $11 billion—that is also a new experience! I have to admit that, as perverse as it is, sometimes when people from the Australian Greens get stuck into me it is advertising—very good advertising. So I would like to thank Senator Hanson-Young for her exemplary promotion of the work that I do. But it was an absolutely absurd statement that we have just heard. It was also completely convoluted and confused.

How on earth can you say that we are talking about a process that would actually limit buybacks? They would have to pass a socioeconomic test of neutrality or, better than that, no detriment. Because there is no detriment, even if I did have these multibillionaire big irrigation mates—and this is like Disneyland—they would not be able to do that with this amendment that I have moved. They would not be able to do it because it would bring detriment to the community and therefore it would not be allowed. So the whole purpose of this is completely at odds with the dissertation that we have just received from Senator Hanson-Young.

I also find it amazing that, all of a sudden, the Greens have been endowed with financial purity. Where they become financially prudent is when they decide that the frogs are more important than the people. Then, they become pure. When it is actually people who are going to be hurt then they are financial purists. The whole purpose of this from the start was that $5.8 billion was to go to infrastructure because we did not want to destroy communities. But the Greens, by Senator Hanson-Young's own advocacy now, have said, 'No, forget about the people. They don't matter. It is all about the newts, the frogs and the swamps. Let's forget about the people and what this is about.'

This is a parliament that is supposed to represent, first and foremost, people—the
rights of the Australian people and the future of those towns. But the Greens do not care about that. Today, Senator Hanson-Young has become an economic rationalist—an economic rationalist at the expense of the rights of the people who live in the basin. This is not an amendment for irrigators. This is an amendment for the people who live in the brick and tiles in the streets of the town of Mildura, who live in the weatherboard and iron of Dirranbandi, who live in the houses of Berri and who live in the irrigation towns up and down the basin. This is their amendment, not the irrigators' amendment.

This is the amendment for the vast majority of the people who actually have no right to any compensation, who are never going to be compensated. It is an amendment that talks about social justice, which I thought the Greens, once upon a time, believed in. We now see that their social justice mantra is a ploy that is wheeled out from time to time for purposes that they determine fit. It is not a genuine outcome. I am not surprised in the least by the Australian Greens' position on this. I am disappointed, but surprise at the hypocrisy from the Greens is something that, in this place, we have grown awfully accustomed to.

Senator BIRMINGHAM (South Australia) (10:12): Hell has truly frozen over in this place this morning, because we just received a lecture on economic and fiscal responsibility from the Australian Greens! The Australian Greens—the big taxing, big spending party of this parliament, who put even the Labor Party to shame with their spending habits—have just attempted to give the parliament a lecture on economic and fiscal responsibility. As I recover from the shock of hearing Senator Hanson-Young try to lecture us on how to return water in the most fiscally responsible way and for the least cost, I think it is important that we put some context to the issues around buybacks, the issues around the buyback versus infrastructure debate and, of course, the amendment that is related to this.

Last night and this morning we have heard, frankly, plenty of sanctimonious BS coming from that corner of the chamber—plenty of it. I am tired of hearing it. They are pretending that they are the only ones who care about getting a result for the Murray. Occasionally they drag the communities of the Murray into this debate somehow and pretend they are also standing up for all of those irrigator communities as well as the Lower Lakes communities. That is just not true. The Greens seem to be obsessed by headlines about what the number is that is going to be achieved. It is not about the number; it is about the outcome. And the outcome is about ensuring that we get an environmentally sustainable plan, but a plan that is delivered in a way that leaves us with sustainable communities as well.

In an earlier amendment, Senator Hanson-Young had the gall to pretend that she wanted and was arguing for even greater water cuts so as to protect Riverland citrus growers. Well, hello? If you have greater cuts, there is going to be less water available for those Riverland citrus growers to use.

Senator Hanson-Young just does not seem to appreciate the fact that every drop we put back into the environmental flows has to come from somewhere, and that it comes off the productive capacity. We took the bold step in government of saying: 'Yes, we acknowledge the system has been overallocated'—and I am going to turn to whose fault it is that it was overallocated in a second because I think you totally misunderstand whose fault that is—and we've got to return water to the environment. We want to get the system back to a level of sustainability, but we want to do so in a way
that preserves and protects the fabric of the communities up and down the river system.

If infrastructure projects and environmental works and measures can be undertaken, and if they can deliver the water necessary for sustainability, why are they better and preferable to buybacks? They are preferable because they ensure we keep farmers on farms along the river with productive capacity, growing food for this country's future. There seems to be a misconception, and it is often spread around, that farmers and irrigators are to blame for overallocation. It is certainly not the farmers or the irrigators and it is most definitely not the communities they live in. Those who are to blame for overallocation are state governments. Let's lay the blame firmly where it sits.

If we could manage to get the state governments to foot the bill for all of the adjustment costs, I would be very happy—and no doubt Senator Ludwig, Senator Conroy and Mr Burke would all be delighted. But, of course, the state governments will not meet the bill for the costs of adjustment. The state governments issued the licences and farmers went out to those communities and set up. Taking advantage of those licences, communities were built around them and now 2.1 million people, I think, live in basin communities, and rely, in large part, upon irrigation activities to sustain the social fabric and the economic basis of those communities.

This is a devil of a problem when you boil it all down, because you are trying to get water back—water that underpins the economic base of those communities without destroying that economic base. That is why the Howard government prioritised spending on infrastructure. It is why Senator Joyce, Senator McKenzie, I and others have been so critical of the government for not fulfilling those expectations and delivering the priority when it comes to infrastructure spending. We welcome the fact that the government seems to have rediscovered that as a priority. It will allow us to achieve the objective that we all want, that I know deep down you want, Senator Hanson-Young, and that I certainly want which is to get sustainability into the river system. That will ensure that those whom I spoke about yesterday, those Lake Albert farmers and irrigators on the Lower Lakes, have water that they can use to irrigate. That is what I think would be a good and equitable outcome: that they should be able to pump water that is of a quality and a standard for them to irrigate. But, as I said yesterday, it is not the volume of water in that case that matters because there has been more than enough water flowing through the Lower Lakes in the last three years.

Senator Hanson-Young interjecting—

Senator BIRMINGHAM: Don't roll your eyes, Senator Hanson-Young, or shake your head around. We have had three years of floods and it is the management of the lakes and the management of the system that is in large part why Lake Albert has not recovered from drought—it is not from a lack of water.

To ensure that in future droughts there is greater resilience in the system, we need to ensure that there is more water flowing through, especially in those average years. It is the average years that provide the resilience for when we come to the droughts. The flood years provide the recovery when we leave the droughts. That of course is exactly what is happening.

This attempt to constantly second-guess what the headline figure should be, I find to be the most appalling part of this debate.

Senator Hanson-Young: How about listening to the scientists?
Senator BIRMINGHAM: How about listening to the independent authority? Have a look at the members on the authority. There is a scientist on the authority. There is an environmentalist on the authority. There is a respected former public servant running the authority. There has been more than $100 million spent on research and on consultation to get to this point and they are now saying, 'We're going to return at a starting point 2,750 billion litres of water into the system' and the government is now committing to try to get a further 450 billion litres of water on top of that. Are you suggesting that this is not a big step forward? It is a big step forward.

But I have no doubt when I see the plan that I am going to see problems with it. I have no doubt that I am not going to think that it is perfect. I have no doubt that there will be concerns with aspects of the water recovery strategy. I have no doubt that there are some issues throughout this. We are on the cusp of taking a big step forward, but Senator Hanson-Young and the Greens just seem intent on tearing down and destroying what should be a good step forward in the management of the Murray and what should be acclaimed in South Australia. If we can get this plan in place and if we can get an outcome that protects the Riverland communities of South Australia just as much as it protects the communities upstream, we should be hailing that as a good result.

That is what we on this side are trying to work towards—something that will see the eastern states actually cooperate in this process. They want to protect their communities just as much as you or I, Senator Hanson-Young, or Senator McEwen, or any other South Australian, want to protect our communities. We need to find a way that ensures that they feel that there is protection for their communities whilst giving the win for our communities that we want and need.

Do not come in here and lecture on fiscal responsibility because it suits your political ends. Nobody believes the Greens when they talk about fiscal responsibility. Understand that there is a very good reason that governments of both persuasions now—us, when we were in government; the other mob now that they have worked this out—support and prioritise infrastructure outcomes because they can give the win-win result that gets us the water we want for a healthy river and does so in a way that actually leaves the socioeconomic fabric of this community intact.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (10:22): The government does not support the amendment, though we have enjoyed the debate. The government expects that, in line with the minister's suggestions of 1 November, the issue of social and economic neutrality will be dealt with in the Basin Plan. Recommendation 12 states that socioeconomic neutrality will be established where a farmer participates in the On-Farm Irrigation Efficiency Program, or where a state assesses a project put forward by that state as having neutral or improved socioeconomic impacts.

Projects for recovering additional water under the SDL adjustment mechanism can involve water purchase of the component only if the project overall has a neutral or improved socioeconomic impact. The socioeconomic impact of water purchase is more suited to be considered in the Water Amendment (Water for the Environment Special Account) Bill, which specifically references the possibility of water purchase.
in offsetting socioeconomic impacts. The coalition minority report in the Senate committee report proposed that this matter be addressed by amendment to that bill.

Senator McKENZIE (Victoria) (10:23): On that point of socioeconomic neutrality or improvement as the basis of decisions being made, is the minister able to outline all the assumptions that have been used to underpin the socioeconomic modelling so that we can have an understanding of how the government will make those decisions?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (10:24): The socioeconomic impact studies of the authority are available on the website.

Senator McKENZIE (Victoria) (10:24): The reason I have asked is we raised that point repeatedly throughout the inquiry you mentioned. According to evidence given by the National Irrigators' Council during that inquiry process not all the assumptions were made public in that particular report.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (10:25): I am advised that the water holder publishes the plans, but we do not have the water holder here with us to be able to give you a more detailed explanation.

Senator McKENZIE (Victoria) (10:26): How will the shared portion of the SDL reduction be apportioned? Will it also include water diverted for urban use?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (10:27): I am told the base includes some urban use. These are the proportions that have been suggested and which, at this stage, are expected to be the outcomes: New South Wales has 47.2 per
cent of the total; Victoria has 43.8 per cent; South Australia 8.5 per cent; and the ACT 0.5 per cent.

Senator McKENZIE (Victoria) (10:27): I would really appreciate the government's opinion on the best way to measure the environmental health of the Murray-Darling Basin. Throughout our inquiry and this whole debate there has been a complex and contested understanding of what a healthy river looks like and means in actuality. I could not agree more with Senator Birmingham's debating points around getting the outcome right rather than getting fixated and obsessed with a particular number, particularly when we look at science and technology's capacity to assist us to use water more efficiently and therefore ensure a more sustainable outcome for the river itself. Could you outline the best way to measure the environmental health of the Murray-Darling Basin system?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (10:28): That is a very broad question. I will see if there is anything we can assist with. I am advised that the Basin Plan itself will contain the principles and they will be publicly available.

Senator McKENZIE (Victoria) (10:29): Minister, what is the government's preferred mechanism, from this point in time, to return environmental water to the Murray-Darling Basin, and why?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (10:30): I am advised the government favours infrastructure based recovery, but we reserve the right to make strategic purchases.

Senator McKENZIE (Victoria) (10:30): Do you have an indication for us, whilst reserving your right, of what the proportion might be?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (10:30): It is far too early to make a call on that.

Senator McKENZIE (Victoria) (10:30): Thank you; I do appreciate your patience on this, Minister. With the consultation process outlined in the newly amendment bill, can the minister give us an indication of what that will look like on the ground for communities?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (10:31): I am advised this is the framework bill. The actual consultation will take place by the authority not by the government, so the government is not directly doing that part of it.

The TEMPORARY CHAIRMAN (Senator Pratt) (10:31): The question is that Nationals amendment (1) on sheet 7302 be agreed to.

The Senate divided. [10:36]

(The Chairman—Senator Parry)

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

AYES

Back, CJ Bernardi, C
Birmingham, SJ Boswell, RLD
Boyce, SK Brandis, GH
Bushby, DC Cash, MC
Wednesday, 21 November 2012

SENATE

AYES

Colbeck, R
Eggleston, A
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Ronaldson, M
Ryan, SM
Sinodinos, A
Williams, JR (teller)

Edwards, S
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H
Madigan, JJ
McKenzie, B
Parry, S
Ruston, A
Scullion, NG
Smith, D

Assisting the Prime Minister on Digital Productivity) (10:39): I move:

That this bill be now read a third time.

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

The Senate divided. [10:43]

(The President—Senator Hogg)

Ayes .......................... 37
Noes .......................... 9
Majority ...................... 28

AYES

Bernardi, C
Bilyk, CL
Birmingham, SJ
Brown, CL
Conroy, SM
Crossin, P
Edwards, S
Farrell, D
Feeney, D
Ferravanti-Wells, C
Fifield, MP
Furner, ML
Galagher, AM
Gallacher, AM
Hancock-Young, SC
Hogg, JJ
Joyce, B
Kroger, H
Macdonald, ID
McEwen, A
McKenzie, B
Nash, F
Polley, H (teller)
Pratt, LC
Rhiannon, L
Riordan, P
Sinodinos, A
Smith, D
Stephens, U
Thorpe, LE
Williams, JR
Xenophon, N

NOES

Bernardi, C
Bilyk, CL
Brown, CL
Cameron, DN
Conroy, SM
Crossin, P
Edwards, S
Farrell, D
Feeney, D
Ferravanti-Wells, C
Fifield, MP
Furner, ML
Galagher, AM
Hancock-Young, SC
Hogg, JJ
Joyce, B
Kroger, H
Macdonald, ID
McEwen, A
McKenzie, B
Nash, F
Polley, H (teller)
Pratt, LC
Rhiannon, L
Riordan, P
Sinodinos, A
Smith, D
Stephens, U
Thorpe, LE
Williams, JR
Xenophon, N

Question negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister

Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012

Second Reading

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

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (10:46): I rise today to make some remarks regarding the Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012. The coalition will not be opposing this bill. We are certainly very supportive of legislation that streamlines, that makes things easier and more efficient, and that indeed is the case with this particular piece of legislation. The Higher Education Support Amendment Bill (No. 1) 2012 will amend the Higher Education Support Act 2003. The bill aims to strengthen and streamline the administration of the government’s higher education loan schemes—HELP schemes—FEE-HELP and VET FEE-HELP. VET FEE-HELP was announced by the Howard government in the 2007 budget and it extended FEE-HELP to the vocational training and education sector. This move by the coalition recognised there was a need to encourage students to take up higher level skill qualification by reducing financial barriers and it addressed the unfair situation where the VET sector had courses with high fees, but was the only sector with postsecondary qualifications without an income-contingent loans scheme. VET FEE-HELP plays an important role in ensuring Australians have access to affordable education. VET FEE-HELP is a government loans scheme which helps eligible students pay their tuition fees for higher level vocational education and training courses—VET courses undertaken at approved VET FEE-HELP providers.

It is useful to make a few comments about how it works for those that do not necessarily have an understanding in this area. To be an approved provider, registered training organisations—or RTOs—must apply to the Department of Industry, Innovation, Science, Research and Tertiary Education and satisfy a range of eligibility requirements. RTOs must:

- be a body corporate …;
- be an RTO as listed on the National Register …;
- be financially viable and likely to remain financially viable;
- carry on business in Australia with central management and control in Australia;
- offer VET accredited diploma and advanced diploma courses …;
- be a member of an approved tuition assurance scheme …;
- have administrative procedures and the capacity to meet reporting requirements.

VET FEE-HELP can be used to cover all or part of a student’s tuition fees. The government pays the loan amount directly to the approved provider. Students repay the loan gradually through the tax system once their income reaches the compulsory repayment threshold set by the ATO. The threshold is currently $49,095. VET FEE-HELP is available for courses at approved providers at the level of diploma, advanced diploma, graduate certificate and graduate diploma. The amendment bill before the chamber came about because of a post-implementation review of VET FEE-HELP undertaken in 2011. The review was commissioned in 2009 and found that VET FEE-HELP was administratively complex and, as I said at the outset, the coalition is supportive of those measures that will reduce complexity when it comes to administration. The review also found that overall there is strong support for the scheme by the VET sector, particularly in relation to the scheme’s role in providing greater equity and accessibility for VET students. The review did however find that the scheme was increasing at a slower than anticipated rate in terms of student enrolment and approved
VET FEE-HELP providers, but there were positive signs for further growth. The bill is the first stage of implementation of those changes made in the post-implementation review. We certainly welcome the practical measures in the bill which reduce red tape and that aim to increase the number of VET FEE-HELP providers and, in turn, students accessing vocational education courses.

It is important to point out the importance of VET courses. Over many years we have seen a lot of focus on the higher education system when it comes to university. It is pleasing to see, increasingly over recent years, the focus that has been placed on the VET sector and the important role that it provides our students, particularly those in regional areas. It is also very pleasing to see a number of collaborative arrangements starting to take place—indeed, they have been for some time—between the university sector and the TAFE sector. I am very supportive of those arrangements, where they are in place, and know that there is a real benefit in there, particularly for regional students. We welcome any attempt to increase the access of students to further education, both VET and tertiary, although I must note that over recent years it has not always been the case that this government has put in place measures that have done so. I refer to the changes in early 2010, changing the arrangements for the independent youth allowance, which severely disadvantaged some regional students, and was very pleased to see after a lengthy period of time that the government did do a backflip, recognising the inequity that they had created for regional students.

It is vitally important that our regional students have equity of access to education. There is no excuse for regional students to have anything less than that equity when it comes to accessing education.

The RIS completed by the government states that the take-up of VET FEE-HELP by RTOs, and therefore students, has been below government expectations. However, I note that there are positive signs with data showing that the number of students accessing VET FEE-HELP is increasing over time. A total of 39,124 students accessed VET FEE-HELP during 2011. That is a 50 per cent increase in the number accessing assistance in 2010 and an increase of more than 600 per cent since VET FEE-HELP was first made available. The increase in the number of students accessing VET FEE-HELP assistance corresponds to an increase in the number of VET providers offering VET FEE-HELP and also the number of students eligible for VET FEE-HELP assistance.

Of particular concern to me is the low take-up rate of VET FEE-HELP by students in regional and remote areas. This is referred to as an issue of concern in the RIS. In 2011, 18.2 per cent of students accessing VET FEE-HELP were from regional and remote Australia. Clearly, that is a figure that we would like to see improved. The complex administrative policies and processes of VET FEE-HELP are noted as major contributing factors to the low participation rate of this group. It is, however, slightly promising to see that the percentage is increasing. The figure of 18.2 per cent is an increase of about 86 per cent from 2010. So, while the figure is still unacceptably low, we note that it is increasing.

We need to ensure that the participation figure for regional and remote students continues to increase. World-class education is the right of every Australian and a vital investment in the people, opportunities and prosperity of our nation, regardless of where you live. However, we know that where you live does have a big impact on the ability to access both VET and tertiary education.
increase in the number of RTOs in regional locations would help to increase participation by regional and remote students. According to VET FEE-HELP data collection in 2011, there were 230 campuses of approved VET providers. We note that some providers operate at multiple campuses. None were located in remote or very remote regions. In New South Wales, for example, there are 74 campuses of approved VET providers: 57 are in major cities, 15 are in inner regional areas and only two are in outer regional areas. In Queensland, there are 31 in major cities, one in an inner regional area and one in an outer regional area.

The estimated cost for a regional student to relocate and attend university is said to exceed $30,000 per year in study costs, accommodation and living expenses. The cost to relocate for VET would be a comparable amount. The cost of relocation is a huge barrier to regional and remote students taking up VET FEE-HELP places. An increase to providers in these areas would surely assist in breaking down these barriers. Again, there is the inequity that exists for our regional students who are faced with the burden of the cost of relocation—a burden that does not sit with our students, by and large, in metropolitan areas. One of the key issues that we on both sides of this chamber must continue to grapple with is to make sure that we have equity of access for our regional students. When I talk to parents in the regions, they say they simply cannot afford it, even in spite of the measures the minister has put in place that he says are assisting regional students. I will give credit where credit is due: in some areas, that is indeed the case. But, by and large, there are still a number of regional families who are not sending their students away to tertiary education because of the cost.

In light of the skill shortage facing the agriculture industry, I am also concerned to see the low take-up rate—that is, the proportion of fees deferred through VET FEE-HELP assistance for agricultural, environmental and related studies. Of all the disciplines, agriculture had the lowest take-up rate at 40 per cent. This is in comparison to areas such as food hospitality and personal services, which had the highest take-up rate of 94.3 per cent. Why? This is attributed to the lack of access to education and training in regional and remote areas. These areas also have limited access to the internet and lower rates of broadband use, limiting the option of online study.

Senator Conroy: That's your fault, as you know.

Senator NASH: Unfortunately, Minister, things just do not happen quickly enough, do they? Minister, if you had not overbeaten the egg, we might be a little closer to having some broadband for those areas. Between 2009 and 2011, the number of VET courses in agricultural, environmental and related studies has increased from 25 to 45, which is welcomed. Anything we can do to encourage and make it easier for more students to enter agricultural training at any level, be it tertiary, VET or short courses, is to be encouraged.

The Senate committee report on higher education and skills training in agriculture and agribusiness, released in June, revealed the agriculture industry needs 4,000 graduates a year to fill vacancies, yet there are currently only 700 graduates. This is an issue I continue to implore the government to focus on, in terms of future sustainability of the agriculture sector in Australia. When we have figures such as those in front of us, it is simply not good enough that more is not being done to address this issue, increase the participation rate and ensure that our young people understand the very bright future for them in the agriculture sector. Reasons for
the decline in agriculture and agribusiness education in Australia are complex, but they include an ageing workforce, competition from the mining industry and the high cost of education.

Since 2001, there has been a trend of declining enrolment in higher education qualifications in ag science and related fields, leading to a shortage of qualified professionals in the agriculture sector. This is alarming, particularly in light of the fact that the on-farm agriculture sector is forecast to lose at least 30 per cent of its workforce over the next 10 years, mostly due to ageing. As one of those farmers in regional areas who is ageing, I think I am part of that figure now. It really is something we need to be aware of. We need to ensure that we encourage the next generation to be on the land and be involved in the agriculture sector, given the contribution agriculture makes to the economy, the nation and our society.

Studies have shown that educational attainment in agriculture is generally low compared to other industries. However, the gap in attainment is greater for bachelor degrees than for VET qualifications, and for lower level VET qualifications agriculture has a higher proportion than overall, demonstrating a preference for VET training rather than tertiary studies.

Provision of education through VET training as an alternate pathway to tertiary courses is of increased importance in light of the government's axing of the popular Farm Ready program earlier this year. Courses of a shorter duration have traditionally been popular with farmers and their employees. While short courses may not achieve certificates, diplomas or degrees, they are essential to encourage knowledge sharing and skills in the industry. As we know very well, primary producers are time poor, with many unwilling to commit to extended periods of training. Farm Ready helped to fill a gap in the skills market and was axed despite there being 469 approved courses at the end of May 2012, including computer mapping, introduction to no-till, succession planning, use of computerised financial packages, production change, whole farm planning, management integrated crop and pasture production, pasture and animal production, strategic management and permaculture design.

The VET FEE-HELP scheme has the potential to assist many more Australians to access further education. Moves to remove barriers to participation in the scheme, which will hopefully assist in addressing inequities faced by regional and remote students, are certainly welcomed, and the coalition will not be opposing the bill.

**Senator RHIANNON** (New South Wales) (11:00): The Greens support some aspects of the Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012 which take a risk-managed approach to administrative compliance. We do however have concerns about the VET FEE-HELP scheme, which we outlined in additional comments made to the Senate Standing Committee on Education, Employment and Workplace Relations' review of this legislation. The Greens do not support the proposed government amendments that will delay the indexation of Student Start-up Scholarships, which are awarded to students from lower socioeconomic backgrounds to assist them with the start-up costs of commencing full-time tertiary study.

Overall, the Greens support the provisions of this bill that allow a risk-managed approach to approvals and administrative compliance. It makes sense that the low risk posed by institutions, such as publicly funded TAFEs and universities, is recognised when the minister is approving
their applications as a VET provider. After all, our public education institutions are effectively underwritten by government and subject to public scrutiny via their public funding in a way that private corporations are not.

The requirement that the minister must regard a wider range of financial information when making a decision about an applicant's financial viability is appropriate, especially when we remember the number of dubious private providers going bust in 2009, leaving students in the lurch and leaving the government to pick up the financial pieces. We also remember the damage it did to our international reputation. The seeking of full information from TEQSA or a relevant VET regulator when approving, revoking or suspending a higher education or VET provider's eligibility around VET FEE-HELP and FEE-HELP is also a due process.

More timely revocation of a higher education or VET provider's approval as a VET provider when they have been found to present a financial risk or do not meet quality standards or other responsibilities is clearly needed. Students need protection from such providers. The time between the minister's decision to revoke such approval and the time that revocation takes effect must be minimal so that students are not duped into enrolling with institutions that are about to lose their licence to provide VET courses. We cannot risk public money following such enrolments disappearing along with the institution itself.

The delegating to non-public servants to ensure the business of all departments administering funding or programs under the act will continue, despite changes in government or administrative arrangement orders. We can see that this is sensible. The consolidating of four existing sets of guidelines—the VET provider, the VET FEE-HELP, the VET tuition fee and the VET administration guidelines—into one set of VET guidelines also makes sense. The Greens note the concerns raised by a number of providers that much of the detail will be effected through the VET guidelines. This means those details have not been available for examination or assessment, and we do support the call for the government to continue to consult with stakeholders in formulating the VET guidelines provided for in this bill.

The bill allows the minister's power to expand the VET courses applicable for VET FEE-HELP to include certificate IV courses and above. This is in schedule 1, and this change is very troubling. We note the concerns raised by TAFE Directors Australia and RMIT University that VET students currently do not have equitable access to FEE-HELP loans. The Greens agree with the National Tertiary Education Union that:

… it is an abrogation of the Government's responsibilities to rely on the provision of [income-contingent loans] as the primary policy instrument for improving education participation amongst underrepresented groups of Australians.

The NTEU have set out very clearly the problems here. The Greens do not support the shifting of costs for vocational education and training onto the student via TAFE student fees. This in turn necessitates students raising debts to participate in VET through the VET FEE-HELP system.

TAFE is an important entry point into further education and training or into employment for a large proportion of students from low socioeconomic regional and rural regions outside capital cities. Indeed, up to nine per cent of students entering university come from vocational and educational training pathways. This is a huge contribution and it clearly needs to be fostered. With large numbers of disadvantaged students traditionally
accessing TAFE, it is wrong that those students should be burdened with HELP debts before even entering the workforce—or before even embarking on basic university study. What type of substantial HELP debts do such students accumulate by the end of their basic university degree? That still is not fully clear.

In 2011 the Prime Minister spoke about an approaching shortage of about 36,000 tradespeople by 2015. We so often hear talk about this problem and the need for Australia to be able to bring forward more skills training so that we can be the 'innovative nation'—which is put in so many policies these days.

This government states that it recognises an increase in higher qualifications for disadvantaged Australians is imperative if we are to successfully compete in a future global economy. If we are to succeed in having 20 per cent of undergraduate students coming from low-socioeconomic backgrounds to meet the looming skill shortages, we should not be burdening disadvantaged students with a HELP debt that is needed to pay rising TAFE fees. This is an anathema to any notion of equity or the idea of removing barriers to participation in further education and training, and it could obviously be somewhat of a roadblock to achieving that skilled nation that we all say we are committed to. For this reason, any extension of the VET FEE-HELP scheme is noted with concern as moving in the wrong direction by pre-empting even higher student fees.

The Greens believe that a fee-and-charges-free TAFE system should be pursued. We need to prioritise and increase VET funding to the TAFE system to ensure a high quality, accessible and viable public VET system.

Senator BILYK (Tasmania) (11:08): I also rise to speak on the Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012. Higher education is the means by which millions of Australians improve their opportunities. By training for a qualification they gain the means to engage in the labour market and to be active and productive to the fullest extent. The broader economy also gains extra capacity to grow in an increasingly competitive global economy, bringing benefits to the whole community.

I would like to remind the Senate of the comments made earlier this year by the Minister for Tertiary Education, Skills, Science and Research, Senator Chris Evans: Skills determine access to jobs and can transform lives. Too many Australians are locked out of the workforce because they do not have the skills they need. Inaction is not an option. Failure to address this shortfall will leave the economy short of the skills it needs to be successful well into the 21st century.

I could not agree more. Skills Australia has estimated that, in the five years to 2015, Australia will need an additional 2.1 million people in the workforce with higher vocational education and training, or VET, qualifications. Currently it is expected that there will be a shortfall of 500,000 skilled workers. This is particularly relevant for my home state of Tasmania, with Skills Australia research showing that, from now to 2015, Tasmania will need an additional 11,000 people with qualifications at certificate III/IV level and an additional 8,000 people with qualifications at diploma level. The government understands the importance of ensuring that this need is met and that the higher education system is configured correctly to best meet the needs of Australian students, the higher education sector, and the broader Australian economy.
The issue of higher education is one of particular relevance to Tasmania. Like Australia more broadly, Tasmania faces issues of demography and of a changing global market. With an ageing population, Tasmania faces the issue of a consequently lower workforce participation rate for the foreseeable future. Competition between skilled workers is high, and a lack of skilled workers leads to slower growth and lower productivity. Combined with this, there is anecdotal evidence of a reduction in the number of apprenticeships and traineeships being supported by industry. With slowing demand for Tasmanian products, it is vital that we support individuals to adapt to changing employment opportunities through their working life, as well as supporting individuals to develop new markets. Tasmania must work smarter rather than harder, and an increase in VET education will help to allow Tasmanians to do that.

This bill will introduce a number of measures that will strengthen and streamline the Higher Education Support Act 2003, resulting in more effective and efficient administration of two of the Australian government’s Higher Education Loan Program schemes, namely FEE-HELP and VET FEE-HELP. The VET FEE-HELP assistance scheme was introduced in 2008 and provides income contingent loans to full-fee-paying and certain subsidised students undertaking eligible VET diplomas, advanced diplomas, graduate certificates and graduate diplomas.

The introduction of the VET FEE-HELP scheme made it easier for students to access higher education, and the increased participation numbers since the introduction of the scheme are testimony to that. The information collected on the VET FEE-HELP assistance scheme and the feedback received as part of the post implementation review of the scheme indicates that there are positive achievements to date and positive signs for continuing growth into the future. These achievements include increasing trends in student enrolments, the number of approved VET FEE-HELP providers, the number of eligible VET courses, participation by students from identified demographic groups and funding to the VET sector.

The review made recommendations to improve the scheme, and this bill will position the government to act on the recommendations arising from the review and its commitments under the April 2012 COAG National Partnership Agreement on Skills Reform, particularly the redesign of VET FEE-HELP. The bill enhances the quality and accountability framework underpinning the schemes through strengthening the suspension and revocation provisions. Decisions to revoke or suspend an approved provider will now take effect on the day the notice is registered on the Federal Register of Legislative Instruments. The amendments will ensure that notices of revocation will take effect in a more timely manner and will also give the provider greater clarity about the date the revocation will take effect.

The integrity and transparency of the HELP schemes will also be improved by allowing reports from the national and non-referring jurisdiction education regulators to be considered for both applicants and approved providers. This is expected to result in improved decision making and, in particular, will enhance the capacity to identify low-quality providers. The bill will provide a risk management approach to approvals and compliance for low-risk VET FEE-HELP providers through amendments that allow the minister to determine a category of providers when approving an application. The review noted:
Student access to VFH loans is largely dependent on the number of RTOs that become approved VFH providers (and the courses that they offer). There is considerable room to encourage greater participation by the VET sector beyond the current 95 approved VFH providers.

It is expected that by taking this approach, the administrative burden placed on low-risk applicants and providers will be reduced and this will encourage increased uptake by quality VET providers and ultimately students.

The bill also provides for the consolidation of the following existing four guidelines. They are: VET Provider Guidelines, VET FEE-HELP Guidelines, VET Tuition Fee Guidelines; and VET Administration Guidelines. The consolidated guidelines will simply be called the VET Guidelines. These guidelines are expected to reduce duplication of requirements and improve the accessibility, clarity and transparency of the obligations of approved providers. We know that technology and the needs of employers often change rapidly, so VET providers need flexibility when creating courses.

The bill also makes changes regarding the census date for courses. The census date for courses determines the point at which students are deemed to be enrolled in the course for the purposes of FEE-HELP or VET FEE-HELP. The current provisions are based on the higher education arrangements, whereby the census date is deemed to be not less than 20 per cent of the way through the unit. This is to allow students to withdraw from courses early in their study without incurring a HELP debt. However the PIR noted that, given the flexible nature of VET courses, the 20 per cent rule meant that providers may have multiple census dates resulting in a considerable administrative burden. The inclusion of the census date provisions in the legislation also limits flexibility. This bill removes the current 20 per cent restriction and provides for a census date for each unit of study to be determined in accordance with the Administration Guidelines under FEE-HELP and in accordance with the VET Guidelines under VET FEE-HELP.

The bill will also strengthen a number of definitions and other technical amendments to better support VET FEE-HELP. The definition of a VET course of study will be amended in order to provide for a managed trial of certificate IV qualifications as committed under the 2012 COAG National Partnership Agreement on Skills Reform. Lastly, further streamlining of administration to reduce duplication and increase efficiency will be achieved through the consolidation of three sets of legislative guidelines into a single set of guidelines.

The Senate referred the bill to the Senate Education, Employment and Workplace Relations Legislation Committee, of which I am a member. The committee heard evidence from a number of organisations, including the Tasmanian Department of Education, the National Tertiary Education Union, RMIT University, and TAFE Directors Australia recommending that the bill be passed.

I would like to quote from the Tasmanian Department of Education, which in its evidence to the committee said:

Tasmania is supportive of measures to improve the accessibility of higher level qualifications. We would support measures that would streamline and simplify student access to VET FEE-HELP.

In particular, we would support measures that would enable legislation to allow specified Certificate IV level qualifications to be eligible under VET FEE-HELP.

Benefits of introducing VET FEE-HELP in Tasmania for Diploma, Advanced Diploma and specified Certificate IV level qualifications will include allowing us to prioritise government
subsidies to the areas of greatest needs such as foundation skills and pathway qualifications in Tasmania’s priority industries and occupations.

The changes made in this bill will give students greater choice, and greater access. It will streamline processes for higher education service providers, making the delivery of higher education more cost efficient. By simplifying the administrative aspects of the VET FEE-HELP scheme, we will also see a further increase in the number of training organisations that will offer courses under the scheme. It will help drive the training that we require to meet our current skill shortages and meet our future skill needs.

Future prosperity is dependent upon increases in productivity. Increasing the skills possessed by Australian workers will help drive increases to productivity and, consequently, an increase in the standard of living for all Australians. Increasing the skills possessed by Australian workers will broaden the opportunities available to those workers and help them to participate in the economy to the fullest extent. I commend the bill to the Senate.

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (11:18): I am pleased to rise to contribute to the debate on the Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012. The bill aims to strengthen and streamline the administration of the Australian government's higher education loan program schemes, FEE-HELP and VET FEE-HELP.

I draw attention to the fact that it was under the Howard government in 2007 that VET FEE-HELP was first announced and then FEE-HELP was extended to the vocational education and training sector. The coalition strongly supports, as do all of us in this chamber, any move at all which encourages students to take up higher education skills qualifications. If that reduces their financial barriers then that is to be applauded, and I will speak in some more detail about that.

There are a number of objectives. Firstly, the bill will amend the Higher Education Support Act to achieve the following: strengthen the quality of the loans program schemes themselves, which in itself is laudable; improve information sharing and transparency with national education regulators; improve arrangements for early identification of low-quality providers—hopefully, then to either improve the standard of service of those providers or cause them to exit the market; and, finally, position the government to better manage two areas: the risk to students and public moneys. All of us in this chamber and all those who are listening would always applaud the opportunity—even the obligation of government—to better manage public moneys.

The overview of the bill can be briefly described. Schedule 1 aims to increase the take-up of VET FEE-HELP by quality registered organisations and thus by students. This is an area for enormous and tremendous improvement which I hope to come back to. It will allow the minister to specify different approval requirements for those organisations, particularly those that present a low risk to the government and, by inference, a low risk to students and their families who may be supporting them.

Schedule 2 ensures revocations of approvals are undertaken in a more timely manner and that of itself must be beneficial to everybody in the industry. Schedule 3, a streamlining measure, will act to reduce complexity and duplication through consolidating and streamlining four sets of VET legislative guidelines into a single set, and we would support that. Schedule 4
adjusts the specific date requirements for census dates to the guidelines, so each of those then is a matter of importance.

Coming back to participation, there are some 5,000 registered training organisations in Australia and they would then be divided into the public sector, principally TAFEs in eastern Australia, and the private sector.

It was stated—at least in 2010—that there were some 2.4 million students participating in skills training at this level, of whom around 75 per cent were under the direction of publicly funded RTOs, and about 600,000, or 25 per cent, in the private sector. Where is the federal government's contribution, given the fact that most of the training in this sector is in fact state and territory funded? In 2010-11 the federal government contributed $1.7 billion to the states and territories, and there has been an allocation of a further $1.75 billion over four years in the current out-year program.

There are, however, a couple of areas that we need to draw attention to. The first is that the two states of Victoria and Western Australia have not yet come into participating. I was part of the committee process that examined the reasons for that last year. I have always been of the view that, had there been perhaps a more prolonged dialogue and a greater degree of flexibility in dealing with Victoria and Western Australia, we may well have seen a circumstance in which all of the states and territories would be participants.

The second area to which I will draw your attention is the Australian Skills Quality Authority, ASQA. I point to the fact of the serious underfunding of that organisation. Its role is to both register and to regulate the majority of RTOs. You would think that that in itself is a significant process and challenge given the number that there are—some 5,000. Yet the last figures that I saw said there were only six investigators tasked with ensuring compliance by those RTOs. I think that is an area in which we certainly have some more work to do.

I draw attention then to the VET FEE-HELP process. I mentioned earlier the number of students who are participating in the VET sector. In 2011 there were only 39,000 students who had availed themselves of the loan scheme under the VET FEE-HELP program, and that in itself was a doubling from the previous financial year. Even more concerning is that, of the number of RTOs that I have quoted, being some 2,000, in 2011 there were only 112 who were actually registered. Therefore the provision of that facility for students in those programs would necessarily be limited. I will be urging that a lot more attention be given to promoting both the institutions themselves—the RTOs—and students to avail themselves of that loan scheme.

We know of course that repayment under the loan scheme only commences when a graduate or recipient of the loan scheme is earning just in excess of $49,000 per year; therefore, it should be a tremendous incentive for people to take up that loan scheme, if indeed it is the barrier to them participating in skills and higher education training.

Indeed, there is a 20 per cent loan fee—I would call it an impost—which has been estimated by the government actuary to take account of interest which may accrue through administration and other costs. But, of itself, you would have thought, given the benefit of attaining those skills, having them in the workplace and being able to achieve a higher level of remuneration as a result, that that was a very cheap form of gaining that higher education and skills and training.

I believe Senator Nash, in introducing the coalition's side of this debate, would have
spoken eloquently because she is a great apologist and defender of rural and regional education. It is the case, as I understand it, that only 18 per cent of those participating in the VET FEE-HELP process are coming from the rural and regional areas of Australia. I would like to reflect for a moment on the very wide gap that exists between urban Australia and rural Australia when it comes to the tertiary education sector and the postsecondary skills sector.

I will compare 1984 with 2009. I refer to tertiary qualifications. In 1984 the urban communities were represented by some 10 per cent of their citizens who had tertiary qualifications. By 2009, that 10 per cent had jumped to 25 per cent—a 250 per cent increase. That is the urban community.

I now turn to those with tertiary qualifications in the rural, remote and regional areas. While it was 10 per cent in the urban communities in 1984, it was four per cent in the rural and regional areas of Australia. Lamentably, that four per cent from 1984 to 2009 only went up from four per cent to seven per cent, while the wider community had gone up to 25 per cent. That is a figure that we cannot be proud of in this country. In other words, a four per cent to seven per cent increase was a less-than-doubling at a time when the wider community increased by some 250 per cent.

I will now draw your attention to the postsecondary sector, which is more relevant, I admit, to this particular bill. The wider community in 1984 was represented by some 46 per cent with postsecondary qualifications, and that jumped from 46 to 67 per cent in 2009 for the wider community. I now go back to the rural community: that 46 per cent in 1984 for the wider community was less than half, only 27 per cent, in regional communities. That 27 per cent only went up to 42 per cent in that time. That is still a 25 per cent difference between those in the urban and those in the rural and regional communities with postsecondary qualifications. We on this side have spoken many times of the barriers to people getting into the skills and higher education sectors.

Yes, we would all support those moves to ensure that people from low socioeconomic areas have the opportunity to get into skills and higher education training. I make the point again, as indeed was made to me by Professor Alan Robson, then the Vice-Chancellor of the University of Western Australian and the chairman of the national universities sector of Australia, that over time it has been demonstrated that those with the greatest barrier to getting into postsecondary and particularly tertiary education have been those from regional, rural and remote areas of Australia because of that tyranny of distance, that need to have to move from their homes to another location along with all the costs associated with relocation, reestablishment and the maintenance of themselves. In fact, I am one of them. I had to travel from Perth in Western Australia to Brisbane in the 1960s to do a veterinary qualification. Had there not been some limited support at that time through a bonding system with the Western Australian Department of Agriculture, I would not have had that opportunity.

What is the outcome of all of that? It is not the subject necessarily of this program today but we have spoken in the past in this chamber of the very wide gap—the deficiency—between the demand for higher education and skills training, particularly in the agriculture-agribusiness sector in Australia and the actual supply. The figures we quote are those from Dr Jim Pratley from the Australian Council of Deans of Agriculture. I have no reason at all to dispute the figures that he produces, which are that this year alone we will graduate fewer than
700 students in agricultural sciences around Australia when there is a demonstrated need for some 4,000 positions. That is a different challenge, but it has its relationship here.

I make the point because of the recent publicity given by the Prime Minister to Australia in the Asian Century, talking about these very laudable objectives of Australia becoming the food bowl for Asia. As we all know, we will be feeding 1.9 billion more people in this region alone by 2050. We will do it with less land, less fertiliser, less fuel, fewer pesticides, less water and an ageing population. One of the areas that Australia can expand its provision of services to international students, which at this time is the third-largest income earner for this country, is to make sure that we extend that into education opportunities in rural, regional and remote Australia.

Members of the committee that reviewed the bill before us were in China in July this year. I had the opportunity, along with Senator McKenzie, Senator Bilyk and Senator Marshall, to ask people those very questions: was there a demand in rural and regional areas—in this case in China—for students to be educated and trained? Of course, there was a very strong demand. At this moment we are not addressing ourselves to it. I would have thought that under the auspices of the legislation we are discussing today we would see those opportunities. I am not speaking just about those opportunities in the agriculture and agribusiness areas, I am also speaking about others that affect regional and non-urban communities.

I conclude with some comments about the appropriateness of education beyond the secondary level. We are at risk in this country of promoting and of focusing on tertiary education when quite rightly for many people we should be focussing on the VET sector—the skill sector. Why do I say that? For numbers of reasons. Having been associated for some years teaching at an agricultural university in Western Australia, I saw many instances of substantial differences or barriers against young people participating in tertiary education, when the right place for them was the postsecondary and VET sector. I speak of gender differences: at the age of 17, young women very often are more mature than young men. Young men are not ready to focus on the discipline and the rigour of a tertiary qualification when at that stage they may well be interested in the more practical nature of VET sector training.

Socioeconomics is a factor, and we are addressing it in this bill. Personal circumstances are among other factors. There are students who sometimes cannot be released for full-time study either because of family circumstances or they may be required in their own family's or other businesses on a full-time basis. But they could actually participate part-time, and VET sector training is more appropriate for those people.

One of the concerns I have is that there is all too much emphasis on people necessarily having to get a university degree. In fact, it may be far more appropriate for them to make a career for themselves in the trades areas from which they will have obtained qualifications in the VET sector. The other plea we would all make, and I concur with Senator Evans and others in this area, is that unlike the 1970s and eighties and nineties we are seeing now a more seamless movement from those who, for whatever reason, start their postsecondary training in the skills area and then develop an interest in learning. I have seen many instances of young men who have gone into the VET sector, have developed some skills, and then have developed a love of learning. They may have been told when they were kids that they were
dumb and thick and could not study, but all of a sudden they have discovered that they love learning. We need to see that seamless movement into the tertiary sector and even into the post-tertiary sector of higher qualifications. I can speak of many instances of young people who we had to fight to get into the VET sector and who subsequently not only got degrees but also went on to get very good doctorates in their areas.

Those are the areas upon which I want to focus. As I said, I support the thrust of this legislation. I support any opportunity for a young person to be able to take a loan under the HELP provisions, if that is necessary. But it is not adequate to just get somebody into the postsecondary and tertiary sectors, what we need to focus on is them graduating—passing, completing and moving forward. I will give all support to those policies, those philosophies and that legislation which will achieve it.

**Senator McKenzie** (Victoria) (11:36): I join with other coalition regional senators passionate about education, Senator Nash and Senator Back, to speak on the Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012. This bill was referred to the Senate Standing Committee on Education, Employment and Workplace Relations for inquiry on 11 October this year, on which a report was tabled in the Senate. With Senator Back, I sit on that committee.

A report released this month from the National Centre for Vocational Education Research identified that my home state, Victoria, provided a third of all state and territory investment in training delivery and support in 2011, and provides a million more subsidised enrolments in vocational education than any other state. So, when the other side likes to point the finger at those of us in the coalition from Victoria and make commentary around our state's commitment to the vocational education sector, it would be good for them to also note that we provide more subsidised enrolments than any other state. Given that international education is Victoria's largest export sector, worth $4.8 billion to the economy, it is a most worthwhile investment.

The bill at hand seeks to strengthen the VET FEE-HELP scheme, based on recommendations from the 2011 post implementation review prepared on behalf of the Department of Education Employment and Workplace Relations, and the Department of Industry, Innovation, Science, Research and Tertiary Education's redesign discussion paper, released earlier this year. A significant proportion of the evidence base stems from the trialled extension to VET FEE-HELP in my state, Victoria, as part of an agreement between state and Commonwealth governments to reform the TAFE sector.

I take this opportunity to note that the Minister for Tertiary Education, Skills, Science and Research, Senator Evans, is on record just last month as saying that Labor's student demand-driven system of allocating places has not worked and is failing to meet the needs of employers. I welcome that admission, as one has to recognise a problem before they can start to rectify it. Indeed, Labor's system in Victoria produced an absolute explosion in lifestyle type courses such as personal training. I have a sports science degree. I am not adverse to personal training. I encourage everyone: if you cannot get out there and do it yourself, get someone with the qualifications to help you.

**Senator Edwards interjecting**—

**Senator McKenzie**: Senator Edwards, I know you are pounding the pavement at the moment, heading into the Christmas break.
However, when we think about the training sector, it is about being able to deliver skills to our employment sector. I am not sure we need as many personal trainers in Victoria—I know we have a little bit of an issue down south—as were being produced under the Labor government's demand-driven system. The coalition government has been working on fixing that. The Victorian coalition government's commitment to change VET for the better will support the courses that provide high-level training—for example, apprenticeships—and target support to areas of identified skills shortages—and, let me tell you, personal trainers ain't one of them—or those that make an important contribution to the state's economy and Victoria's chances of gainful employment.

Getting back to the legislation at hand, schedule 1 of the bill removes the need for providers to be a body corporate, to try to increase RTO uptake of the scheme. It also introduces different compliance requirements based on the provider's compliance risk level. I note that, in its submission to the Senate committee inquiry, the Australian Council for Private Education and Training raised concerns about:

... a distinct lack of detail around how risk will be determined and applied and how this will in turn influence the Minister's approval and reporting requirements.

It is a very important query, one I am sure all providers would like the government to respond to. If the minister has an opportunity in her closing remarks, it might be a great time to comment on ACPET's issues.

Part 2 of schedule 1 relaxes the restriction on VET FEE-HELP to courses at the diploma, graduate diploma and graduate certificate level. It will enable other appropriate courses to be covered by the scheme, such as certificate IV courses set as prerequisites for further education. Consequently, this measure will meaningfully assist prospective students who may have found the costs of such prerequisite courses prohibitive. I welcome this sensible amendment as a measure to assist and increase participation of those who have been unable to complete year 12.

Continuing on the theme raised by previous coalition speakers, year 12 completion is a particular issue in regional areas. We have lower rates. In urban areas the rate of completion of year 12 is 81 per cent of students. In regional areas, it is 67 per cent. This means that those certificate IV courses that students can attend are actually a stepping stone for them to be able to access higher education, something that we are passionate about increasing. We are also obviously interested in ensuring that more young people, whether they are from regional or urban areas, take up the great careers that are afforded by skills training.

Schedule 2, part 1, puts protections in place regarding revocation of approvals. As the bill currently stands, organisations can continue to enrol and offer students VET FEE-HELP, despite being advised that their approval is about to be revoked, until the often protracted parliamentary process, being across 15 sitting days, has concluded. These particular amendments offer some degree of protection to students as well as to taxpayers' money in such circumstances, as the minister's decision will take effect on the date the notice is registered.

The second part of schedule 2 seeks to improve information sharing with the sector's regulators, including the Australian Skills Quality Authority and Tertiary Education Quality and Standards Agency, to help streamline the approval process and sooner identify low-quality or high-risk providers. Given that the post implementation review revealed approvals were averaging 200 days
and the maximum time taken was a staggering 851 days—a couple of years; nearly three—I can appreciate providers' calls for streamlined approval and compliance processes and see how the present arrangement might act as a barrier to new providers participating in the scheme. I congratulate the government on working to streamline that.

Minimising the compliance requirements of quality providers makes sense. Similarly, identifying and dealing with low-quality providers is essential for our students and the integrity of the system as a whole, not only for domestic students but for our international reputation.

Put simply, dodgy providers must be weeded out. In the 12 months to August, the Victorian Registration and Qualifications Authority cancelled the registration of 75 registered training organisations in the state. The Australian Skills Quality Authority, the national body, deregistered 12 providers, three of which were in Victoria. One might wonder if the Australian Skills Quality Authority is adequately resourced to meet its regulatory responsibilities.

I want to briefly mention a story in the Age from May this year that goes to the heart, I think, of why these are important measures being delivered today by the government and not opposed by the coalition. In the story, a retired TAFE administrator was recounting his experience with dodgy course providers. Mr Brian MacDonald had discovered a local college that had supposedly closed due to inclement weather but in reality had closed due to financial collapse. Further investigation revealed that the 61 students picked up by the Northern Melbourne Institute of TAFE from the collapsed college had not studied a particular subject for which every single one had been certified as having passed and met the legal requirement, and that it had not even been taught. The article in the Age stated:

Mr MacDonald ... blames the Brumby government for starting the strife in the sector.

MacDonald believes this scheme—which the government thought would save it money—bled TAFE funding dry and left the present government with little choice but to try to rein in costs.

So it seems only fair that we are all assisting the state coalition government clean up the mess of previous ALP state governments.

Schedule 3 of the Higher Education Support Amendment (Streamlining and other Measures) Bill allows for the consolidation of several existing VET guidelines into a single instrument to increase transparency and reduce duplication of requirements. However, a number of submitters to the EEWR inquiry such as Victoria's RMIT University felt they could not duly appraise the impact of this and other aspects of the bill given the lack of available detail. This lack of detail was raised in discussion around the water amendment bill and other pieces of legislation that we are being asked to examine. RMIT evidence to the committee stated:

... most of the practical detail will come into effect through the proposed new VET Guidelines. Without seeing these Guidelines, RMIT must reserve its judgment on the changes, as the detail is required to enable institutions to make an informed assessment of its implications.

We keep asking irrigator bodies, universities, TAFE providers and the community to make judgement calls on how particular pieces of legislation will impact their business, impact their industry and impact them personally, yet we do not give them the actual detail to allow them to do that. It appears RMIT is rightly conscious that, as with so many
things this government promises, the devil is in the detail.

The final schedule of this bill, schedule 4, includes amendments to census date requirements, with the intent of affording providers greater flexibility to respond to student and industry needs, as the sector was designed to do. This amendment recognises that the initial one-size-fits-all approach to administering this scheme did not accommodate the inherent market differences between universities and VET providers. Whilst I am talking about one-size-fits-all policy, I draw the Senate's attention to some concerns that the Australian Council for Private Education and Training expressed around the risk based approach in the legislation. They were concerned that the approach outlined in the explanatory memorandum would automatically deem public providers to be either low-risk or high-risk providers. In evidence, they stated they were of:

... the firm view that the VET sector has a sophistication and complexity beyond a simple dichotomy of the public/private divide and therefore this dichotomy should not play a significant part of the risk assessment process.

We saw this yesterday with our conversation about the equal employment for women in the workplace bill. There seems to be a desire to simplify the argument to public/private, rich/poor or big/small when we are actually dealing with complex systems and industries, and it is lazy.

With little time remaining to speak, I wish to draw attention to a pertinent point made in the National Tertiary Education Union's submission to the EEWR inquiry. Their submission testifies:

... we strongly question the assertion made in Section 2 of the Bill’s Explanatory Memorandum which states (in relation to potential students from specific demographic groups including Indigenous Australians, students with disabilities and those living in remote and regional Australia) that:

- Increased student take-up of VET FEE-HELP is key to lifting VET participation amongst these groups nationally.

It further asserts that:

The NTEU considers it an abrogation of the Government’s responsibilities to rely on the provision of ICLs— income contingent loans— as the primary policy instrument for improving educational participation amongst underrepresented groups of Australians.

I think that is a very good point well made.

Amongst the great breadth of subjects offered within the VET sector is agricultural skills and training. With Senator Back, I participated in an inquiry looking into our agricultural education sector and the issues around the provision of courses and the taking up of those courses. Anything we can do to assist that to occur is to be welcomed. I say that because today the Victorian coalition government will hand down its report into agricultural education.

If we are to fulfil the desires of the government around the Asian century, as outlined in their white paper, and to take advantage of the growing middle-class and their demand for more protein and for the high-quality agricultural produce that we are so good at producing in this country, we are going to have to ensure we have the skilled workforce.

Agriculture competes with mining for a particular type of skilled individual. Wherever I go through regional Victoria, producers, whether they are growers up along the Murray looking for skilled labour, particularly around harvest time, dairymen down south or even wheat growers to the west, are lamenting the lack of skilled workers available in their local communities. The streamlining and simplification
measures within these bills need to be welcomed.

I also thank the organisations who submitted to the EEWR inquiry. It was conducted in quick time and I join them in encouraging the government to work cooperatively with the vocational education training sector in developing the necessary detail related to this bill. Clearly, there is much more work to do and I look forward to doing whatever I can to assist the current government and future governments in ensuring equitable provision of education and training in this country and, specifically, increasing measures that increase participation for regional and rural Australians.

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (11:53): I thank the senators who spoke on the Higher Education Support Act 2003. The act provides the legislative authority for the Australian government's Higher Education Loan Program, or HELP. The HELP schemes—HELP FEE and VET FEE-HELP—assist individuals to access higher education and higher level vocational education and training by providing students with an income contingent loan to assist in paying their tuition fees.

As an income contingent loan, students do not have to make any repayments until their income reaches a minimum threshold, currently $49,095. The bill will enable the government to act on recommendations made in the post-implementation review of the VET FEE-HELP Assistance Scheme final report, September 2011, and its commitments made under the April 2012 COAG National Partnership Agreement on Skills Reform. The amendments position the government to deliver timely improvements to the scheme and, in doing so, create a more accessible, transparent, responsive and robust tertiary sector.

The amendments strengthen a number of provisions to better support access to, and administration of, the schemes. The amendments reduce complexity and duplication through consolidating three sets of legislative guidelines into a single set of guidelines. Importantly, the amendments will allow the minister to determine a category of providers and financial reporting requirements for applicants and approved providers that represent a low risk to the government. Further, the amendments enable the tertiary sector to deliver education and training in a more responsive and flexible manner by moving consensus state requirements to the legislative guidelines. This will allow the sector to be more responsive to student and industry needs without onerous administration.

The amendments also allow for a managed trial of the VET FEE-HELP for Certificate IV level qualifications. The amendments strengthen the government’s ability to protect the integrity of the HELP schemes and minimise risk to students and public moneys. Specifically, the amendments enhance the provider revocation provisions for approved providers. The amendments enhance the quality and accountability framework underpinning the HELP schemes through new provisions that allow the minister to consider investigation reports from the national and non-referring jurisdiction education regulators when making a decision to approve or suspend an education provider under the HELP schemes.

Responding to Senator McKenzie’s remarks, I note the ACPET comments to the committee. The risk management approach for approvals on ongoing compliance of
providers puts in place mechanisms to identify those providers that may pose a higher risk to government moneys and to students. This will increase participation in the scheme of low-risk providers, maximising the reputation of the VET sector as a whole.

Finally, the government has proposed further amendments to the bill. The government amendments to the bill will amend the Social Security Act 1991 to allow a freeze of indexation on a student's start-up scholarship for the period 1 January 2013 to 31 December 2016. Consequently, the maximum amount payable under the student start-up scholarship will remain at the 2012 rate of $2,050 until 1 January 2017. This amounts to savings of $82.1 million over four years as part of the recent MYEFO statement.

Overall, I commend the bill to the Senate for its purposes to strengthen and streamline the government's income contingent loans programs and to achieve savings for the government.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (11:58): I table a supplementary explanatory memorandum relating to government amendments (1) and (2) to be moved to this bill. By leave—I move government amendments (1) and (2) on sheet BM336 together:

(1) Clause 2, page 2 (after table item 4), insert:

4A. Schedule 3A The day this Act receives the Royal Assent.

(2) Page 23 (after line 11), after Schedule 3, insert:

Schedule 3A—Student start up scholarship payments

Social Security Act 1991

1 Section 592H (note)

Repeal the note, substitute:

Note: The amount of the payment is to be indexed on 1 January 2017 and each later 1 January in line with CPI increases (see sections 1190 to 1194).

2 After subsection 1192(8)

Insert:

(8A) The student start up scholarship payment amount (see item 40 of the CPI Indexation Table in subsection 1191(1)) is not to be indexed on 1 January 2013, 1 January 2014, 1 January 2015 and 1 January 2016.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (11:58): I can indicate to the chamber that the coalition will not be opposing the amendments, but in doing so I will make a few remarks. We certainly have a very strange situation here. On the one hand the government is making changes to VET FEE-HELP to remove barriers to education, while simultaneously increasing barriers for those wanting to access tertiary education by moving these amendments, which effectively abandons the indexation of the student start-up scholarships over the next number of years. It is an extraordinary situation, to say the least. When the government made changes to the Youth Allowance in 2010, while there were some components of it that the coalition was vehemently against, we recognised that there were some good measures in those changes. We are always happy to give credit where credit is due, and there were some good measures in those changes.

The start-up scholarships provide start-up funding to help with things such as books
and specialised equipment for students, and that is a very sensible measure. To see the government now turn around and take away the indexation from the start-up scholarships is nothing short of extraordinary. We have a situation where the government say that they are trying to make things easier for students with the primary bill, yet with the amendments they are introducing they are making it harder. It simply makes no sense to those of us on this side of the chamber. Or perhaps it does indeed make sense: it makes sense because the government have got the nation's finances into such a parlous state that they are now simply having to claw back money from wherever they can find it, in what they deem as an appropriate place, to try and shore up the economic mess that they have created. On this side, we certainly believe that students are not the place that should be targeted to try and sort out this economic mess that the government have indeed created.

The Prime Minister talks about equity in education. How she can then sign off on the amendment for this legislation, which is going to make it harder for students, is nothing short of extraordinary. We have seen massive cuts of $2.4 billion to education and training in the MYEFO. Just to outline them for the chamber, we have seen: a freezing of the Sustainable Research Excellence program of $498 million; an end to the facilitation performance funding of $270 million from 2014; deferral of student support for masters by research degrees of $167 million; and the freeze on student start-up scholarships of $82.3 million. It is also alarming that we are seeing in regional areas only 33 per cent of students going on to tertiary education, compared to 55 per cent in the cities. I would say that there are some real concerns with this amendment, particularly in regional areas, because the government is saying one thing and doing another. The Prime Minister says she believes in equity in education, and yet we see this amendment to this bill indicates precisely the opposite. It is not surprising that people are becoming incredibly disappointed with this government. We now see the $140 billion debt is leading to measures, like we are seeing today in this chamber, which will provide a measure that is going to make things more difficult for students—quite extraordinary indeed.

While I indicated that the coalition will not be opposing this particular amendment, I think it is very important to place on record that the government has indeed made things more difficult for students. This follows on from things like the independent youth allowance parental cap of $150,000. How stupid is that! We have a financial assistance measure whereby students are to prove that they are independent of their parents, and the government is saying: 'If your parents earn $150,000 combined'—before tax, mind you—you are completely ineligible for independent youth allowance.' That is just simply wrong. We are potentially talking about a school teacher and a police officer out in the regional areas whose combined income would preclude their student from being able to access independent youth allowance, having perhaps taken the provision to work hard for 12 months to prove themselves independent. It is just another example of the stupidity of this government, putting barriers in place for students in regional areas when it comes to accessing education.

I go back to the Prime Minister's continual comments about providing equity of access to students when this government is simply not. We have this amendment here before us and, in speaking to it, I am highlighting the fact that when it comes to equity in access to education for students, the government says one thing and simply does another. People
across Australia, particularly in regional areas, are indeed very well aware of that.

Senator RHIANNON (New South Wales) (12:04): The Greens do not support the government's proposed amendments to delay the indexation of the student start-up scholarships from 1 January next year to January 2017. These amendments really put up in flashing lights the government's failure to public education, and in particular to students in a difficult situation, whether they have a low income for various reasons or they are in regional and rural areas. What is also now up in flashing lights is the coalition. We have heard a very interesting speech from Senator Nash. She has set out very clearly the problems with this amendment, but also stated very clearly that the coalition would not be opposing it. We could stop this amendment going through. The Greens are not going to be voting for it and it should not be supported. Senator Nash said very clearly that it makes no sense.

This scholarship is provided to students who meet the lower economic income criteria of various income support payments to help meet the exorbitant costs of textbooks and other study materials. We have it there, because it is a recognition that these students are already struggling economically. We have all had experience of going to many of these areas—I think most of us have, because I have heard many speeches in parliament about the difficulties students and their families are facing in coping with education costs. This has been an important measure. To gouge a group of disadvantaged people who are being urged to overcome multiple barriers of disadvantage to attend full-time study and acquire further qualifications for the future economic necessity of Australia is simply wrong. It is actually deeply offensive. Let us remember all of those speeches from the Prime Minister and her ministers about a skilled nation. We need to be providing pathways for people across the country to come into our education system, yet we have just put up a barrier until 2017. It is extraordinary. It is as though it will never come back again. This cut is part of an over $1 billion cut in higher education support for students, research and universities. It is a most backwards and very short-sighted step.

We need to look at what is happening in some of the comments that are being made about these amendments. Senator Nash spoke very effectively in exposing the government's hypocrisy in saying one thing and doing another, but she has actually done exactly the same thing herself with her speech. She has got the experience from regional areas. I have been outside this parliament on platforms where she has spoken in detail about these problems. She has done it many times in this chamber with her colleagues. But she has actually highlighted the hypocrisy of the Liberals and Nationals. I urge that we vote together to block this and that the government pulls it. At this time, to bring forward a delay in the indexation of the start-up scholarships is so deeply wrong.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:08): I will make a couple of comments in closing, to clarify the record. There is no change to the Relocation Scholarships; the changes are to the youth allowance scholarships, or start-up scholarships. The government does have a strong record of investment in higher education and supporting students over a longer period of time. The $2,050 payments will remain, to assist eligible students. And the MYEFO savings are only $1.5 billion with respect to higher education.
**Senator NASH** (New South Wales—Deputy Leader of The Nationals in the Senate) (12:08): I will just clarify that I am well aware that it is the start-up scholarships that this relates to. I was talking more broadly around the issues that face regional students when it comes to relocation and the extra cost burden that faces them there.

The **TEMPORARY CHAIRMAN** (Senator Boyce): The question is that government amendments (1) and (2) on sheet BM336 be agreed to.

The Committee divided. [12:13]

(The Temporary Chairman—Senator Boyce)

Ayes.................... 30
Noes..................... 11
Majority................. 19

**AYES**

Back, CJ
Bilyk, CL
Bishop, TM
Bushby, DC
Cameron, DN
Cash, MC
Colbeck, R
Collins, JMA
Crossin, P
Edwards, S
Feeney, D
Furner, ML
Gallacher, AM
Ludwig, JW
Lundy, KA
Marshall, GM
McEwen, A
McKenzie, B
McLucas, J
Moore, CM
Nash, F
Ruston, A
Singh, LM
Smith, D
Stephens, U
Sterle, G
Thorp, LE

**NOES**

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

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

**Third Reading**

**Senator JACINTA COLLINS** (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:17): I move:

That the bill be now read a third time.

Question agreed to.

Bill read a third time.

**Crimes Legislation Amendment (Serious Drugs, Identity Crime and Other Measures) Bill 2012**

**Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

**Senator BRANDIS** (Queensland—Deputy Leader of the Opposition in the Senate) (12:17): The Crimes Legislation Amendment (Serious Drugs, Identity Crime and Other measures) Bill 2012 contains a range of measures relating to Commonwealth criminal justice legislation, including amendments to:

- ensure that the Commonwealth’s serious drug offences framework can respond quickly to new and emerging substances
- expand the scope of existing identity crime offences, as well as enact new offences for the use of a carriage service in order to obtain and/or deal with identification information
- create new offences relating to air travel and the use of false identities
- increase the value of a penalty unit and introduce a requirement for the triennial review of the penalty unit.

There are also minor amendments to improve the operation of the Law Enforcement Integrity Commissioner Act.
2006 and a technical amendment to clarify that superannuation orders can be made in relation to all periods of a person's employment as a Commonwealth employee.

I turn to Schedule 1, the purpose of which is to strengthen the Commonwealth's serious drug offences framework. Illicit drugs have a serious impact on the Australian community and are the cause of a wide range of social, economic and personal harms. The bill's explanatory memorandum states that the amendments in this schedule ensure that Commonwealth laws are up to date and allow for flexible, quick responses to new and emerging drug threats—for example, substances that seek to mimic the effects of other illicit drugs.

This amendment will:

- transfer the lists of illicit substances to which the Commonwealth serious drug offences apply—

from the Criminal Code to the regulations; establish conditions and criteria for listing controlled and border controlled substances in regulations; amend emergency determination mechanisms by extending the listing period and refining the criteria to be satisfied before a determination can be made.

The Australian Customs and Border Protection Service are responsible for managing the security and integrity of Australia's borders, including the detection of illicit drugs and other contraband substances. Customs officers work hard day and night to detect and deter unlawful movements of goods and people across the border. Australian customs officers do a marvellous job under tough circumstances, particularly considering the damaging staff and budgetary cuts this government have inflicted upon them. Unfortunately, they are also being stretched due to the government's mismanagement of our borders—one of the most infamous legacies of this lamentable period of Labor government.

Since coming to office three years ago, the Labor Party has cut funding to Customs for cargo screening, making Australia's borders less secure and our nation more vulnerable to the threat posed by illicit drugs. In the 2009-10 budget, Labor cut the budget of Customs for cargo screening by a massive $58.1 million. This cut to screening by the Rudd and Gillard Labor governments reduced the number of potential sea cargo inspections by 25 per cent. Labor's cuts also resulted in a reduction of 75 per cent to air cargo inspections. In the recent Customs annual report, it was revealed that only 4.3 per cent of sea cargo—a trivial amount in the scheme of things—is X-rayed and only 0.6 per cent—some one in 200 items—of sea cargo is physically examined. It was also of concern to learn that a staggering 95.7 per cent of all sea cargo consignments are not X-rayed.

It is no wonder that illicit drugs are slipping through onto our streets under Labor when only 13.3 per cent of air cargo consignments are X-rayed and only 0.6 per cent of air cargo is physically examined. There is a direct cause and effect relationship between the growth of the problem of illicit drugs on our streets and the Labor Party's massive budgetary cutbacks to Customs—itself a consequence of the Labor Party's inability to manage the budget.

What has become clear is that Labor's cuts to Customs' cargo and vessel inspection system put Australians, particularly young Australians, at risk by giving a boost to organised criminal gangs that smuggle illicit drugs and weapons into the country. The Labor government prefers to tinker around the edges rather than ensure our law enforcement agencies are appropriately resourced to perform their work.
Let me turn to the serious and growing threat of identity crime. Schedule 2 of the bill seeks to expand identity crime offences in the Criminal Code and create new offences and powers relating to air travel and the use of false identities. Law enforcement agencies, such as the Australian Federal Police, have identified identity crime as a significant threat to Australians and one of the fastest growing species of crime in Australia. Australians have been quick to adopt the internet in their lives and businesses. For many Australians, it is now part of their daily routine for talking to friends and family, studying, shopping and paying bills. Similarly, businesses have embraced the internet and other information technology to improve efficiency, improve the quality of service and gain access to new markets. Regrettably, this has also created new prospects for criminals who seek to access personal and corporate secrets, steal resources and intimidate internet-reliant businesses. Additionally, the global community continues to experience an increase in the scale, sophistication and successful perpetration of cybercrime and identity theft. As the extent and importance of electronic information has increased, so too have the efforts of criminals and other malicious actors who have adopted the internet as a more convenient, anonymous and profitable method of conducting their criminal activities.

It is unfortunate that the Labor government does not appreciate the key role the Australian Federal Police plays in protecting Australia's security in this arena, as in other arenas. Since it came to office, Labor has cut a staggering $264.5 million from the AFP, including a cut of a massive $133 million in the current budget alone. The AFP's High Tech Crime Operations Centre, led by Assistant Commissioner Neil Gaughan, does an outstanding job considering the limited resources it has available to it and the constant evolution of the cyberthreat.

The amendments made by this bill seek to extend existing identity crime offences to the use of identification information to commit foreign indictable offences, in addition to Commonwealth indictable offences. This is directed at individuals who are located in Australia and engage in international identity crime. The internet and other new technologies provide ideal vehicles for organised criminal syndicates to capture and exploit the identity information of others. Part 1 of the schedule seeks to introduce the new offence of dealing in identity information using a carriage service such as the internet. This will capture individuals who use the internet to make, supply or use identification information with the intent of passing themselves, or someone else, off as the person identified in the information for the purpose of committing an offence.

Part 2 of schedule 2 includes amendments that are aimed at enabling law enforcement agencies to target individuals who travel by air under false identities. The aim is specifically to prevent individuals involved in organised crime from taking flights under false identities in order to commit or facilitate the commission of crimes and avoid police detection. The coalition has long been of the view that more needs to be done on this front, including in our maritime and aviation sectors, which have been infiltrated by organised criminal networks.

The Parliamentary Joint Committee on Law Enforcement held an inquiry into the adequacy of aviation and maritime security measures to combat serious and organised crime, and it reported in June 2011. The committee heard evidence that individuals involved in organised crime had regularly been travelling by air under false identities in
order to avoid police detection and facilitate criminal activities, such as money laundering and illicit drug trafficking. Surprisingly, it is not currently an offence to use false information to travel by air. Accordingly, the committee recommended the creation of this new offence to reduce a vulnerability that is being exploited by criminal networks. This amendment will also allow police officers the power to request identity information from individuals where the police officer holds a reasonable suspicion that the person has committed, or intends to commit, a serious criminal offence. The coalition supports measures that thwart the attempts of criminal syndicates to take advantage of lax conditions. However, it is unfortunate that it has taken the government almost a year and a half to act on these recommendations and respond to an urgent problem with appropriate swiftness.

Schedule 3 of the bill makes some technical amendments relating to the functions of the Law Enforcement Integrity Commissioner, the value of penalty units, and superannuation orders. The coalition supports those measures. They are not controversial and they reflect an appropriate contemporising of the legislation.

In conclusion, the bill makes a numbers changes to Commonwealth criminal law, largely to tighten and clarify existing legislation, which has the coalition's support. The bill was the subject of an inquiry and report by the Senate Legal and Constitutional Affairs Legislation Committee, which reported yesterday. The committee unanimously recommended that the bill be passed. The bill has the support of the coalition and I commend it to the Senate.

Senator BILYK (Tasmania) (12:29): I too rise to speak on the Crimes Legislation Amendment (Serious Drugs, Identity Crime and Other Measures) Bill 2012. As the nature of crime changes and as technology changes, it is important that we give police the tools they need to keep up with emerging criminal trends and threats. This is particularly the case with organised crime.

This bill makes a series of amendments to existing criminal legislation to strengthen the law and the Commonwealth's response to these threats.

While the bill has a number of provisions, I will be focusing my contribution to the debate on this bill mainly on a particular type of crime—that is, identity theft. I take a particular interest in identity theft because I have come across so many stories about it through my work as Chair of the Joint Select Committee on Cyber-Safety. Identity theft particularly came to the fore as one of the many threats facing seniors during the committee's inquiry into cybersafety for senior Australians.

This crime involves using an individual's personal details, usually obtained through deceitful or fraudulent means, to assume their identity. It is commonly used for financial gain, with the victim usually being the person whose identity has been stolen. There are a number of ways of stealing personal information for identity theft, but the most common method is known as 'phishing'. Phishing generally involves sending an email purporting to be from an official source, such as a financial institution or a lottery, or someone asking the recipient to act as an intermediary in the transfer of funds. The purpose of the email is to fool the recipient into sending personal details, such as their user name, address, date of birth, tax file number, driver's licence number, passport number, passwords or credit card details. Phishing emails usually entice their victims through offers of money and will direct them to a website, often a mirror of the website of the company they are purporting
to represent, to add to their perceived legitimacy.

In 2007, the Australian Bureau of Statistics conducted a survey about personal fraud. The survey reported that 57,800 Australians had responded to phishing emails and 124,000 Australians had been victims of identity theft. I know that that number has grown substantially because of the way technology is changing so quickly. Phishing scams are becoming increasingly sophisticated, as was indicated by evidence given to the cybersafety committee by the Australian Taxation Office. The ATO has received complaints about a scam involving a fraudulent email offering a tax refund. A link in the email directs the recipient to a bogus website which then asks them to provide their personal details, including credit card details. The scammers have gone to great lengths to make the email and the website look as authentic as possible and— unlike the well-known Nigerian and lottery scams, which entice their victims with large and, frankly, unbelievable sums of money—the tax refund scam offers what appears to be a credible sum, in the hundreds of dollars and not a round figure, so people are tricked a bit more easily.

Cybercriminals are becoming so brazen that cybercrime brokers are posting advertisements in online discussion forums promoting their services. The Australian Crime Commission in its submission to the cybersafety for seniors inquiry said that some of the information for sale included credit card details, magnetic strip coding and personal identification numbers, hacked payment clearing company account data, bank logins and stolen identities.

The Australian Federal Police in its submission to the inquiry identified superannuation fraud as an emerging risk for identity crime and identity theft. This is worrying because of the large amount of savings held in superannuation funds but particularly because a lot of victims are not aware that they have had their identity stolen until many years after the crime has been committed. So this bill is really important to making sure we keep Australians safe while they are online. Superannuation fraud usually results in the offenders transferring funds into self-managed accounts or applying for hardship payments. Obviously it causes devastation for the victims, many of whom lose their life savings. That is another grave consequence of identity crime committed online.

According to some other evidence we have had, a lot of seniors are reluctant to use internet banking or other online services because of concerns about the lack security around their financial information or access to bank accounts and credit cards. It is unfortunate that so many people who could benefit greatly from the use of online services miss out on those benefits because of the fear of these risks.

The social cost of identity crime and identity theft actually extends well beyond those directly affected. Modern technology, particularly internet technology, is delivering fantastic social and economic benefits by providing users with new tools to transact with business, government, friends and family. But it is also providing new and sophisticated tools to cybercriminals, who have no qualms about using identities or personal information for their own financial gain.

While the online environment is not the only avenue for identity thieves, it is where they are finding most of their new opportunities, and it is so important that our law enforcement capabilities keep up with these criminals. It is vital that our law enforcement authorities have the tools to
combat identity theft, and the bill currently before the Senate at least provides some of the legislative tools necessary.

This bill broadens the definition of identity crime offences, making it an offence to deal in identification information to commit foreign indictable offences, not just Commonwealth indictable offences. This will strengthen the current regime for identity crime by capturing individuals located in Australia who engage in international identity crime.

The bill also introduces the new offence of dealing in identity information using a carriage service. This will capture people who use the internet to make, supply or use identification information for the purpose of committing or facilitating a Commonwealth, state, territory or foreign offence. The bill also adds a new series of offences to the Criminal Code of using a false identity to purchase an air ticket or to travel by air.

As I mentioned at the beginning of my contribution, today I am focusing primarily on identity crime as this is an area of great interest to me, but there are a number of other provisions in the bill. Due to the shortage of time today I will just mention them quickly, but they are no less important than those around identity crime.

The bill will enable new substances to be listed more quickly under the Commonwealth's serious drug offences framework; increase the value of the penalty unit for Commonwealth criminal offences and provide for its regular review to keep pace with inflation; clarify that a superannuation order can be made in relation to employer funded contributions and benefits accrued during all periods of Commonwealth employment, not just the particular period of employment in which an employee committed a corruption offence; and strengthen the Commonwealth law enforcement integrity system by clarifying the functions of the Integrity Commissioner.

In commending the bill to the Senate I would like to congratulate the Attorney-General, Nicola Roxon, for her hard work in bringing Australia's criminal law up to date with emerging threats and issues. In an increasingly connected global society, and with the emergence of faster and better communications technology, organised crime is truly becoming more sophisticated than ever before. As society changes and as technology changes, so must the provisions of our criminal law. We need to give our law enforcement authorities the legislative tools to combat crime in the 21st century. I commend the bill to the Senate.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (12:37): I thank senators for their contributions to the debate on the Crimes Legislation Amendment (Serious Drugs, Identity Crime and Other Measures) Bill 2012 and all senators, including opposition senators, for their support for this bill. I also thank the Senate Legal and Constitutional Affairs Legislation Committee for its report and recommendations that the Senate pass this bill. This bill delivers on the government's continuing commitment to combatting serious and organised crime and corruption. It ensures that we have the right laws in place to counter identity crime, drug importation and white-collar crime.

With respect to points raised in the debate, I know Senator Brandis has raised the issue of the budgets of law enforcement agencies. The fact is that border protection and law enforcement budgets have been substantially increased since 2007. Our agencies are also increasingly successful in seizing illegal drugs and disrupting serious and organised
crime. This is because Customs and the Australian Federal Police are using criminal intelligence and targeting instead of relying on X-ray alone. In developing the budget, the Commonwealth consulted law enforcement agencies to ask whether they want more screening or more criminal intelligence, and law enforcement agencies indicated that they want more criminal intelligence. That is why the government has established a firearms intelligence targeting team within Customs and has invested about $100 million in a new Australian Federal Police forensics facility to do things like firearms testing and bullet tracing.

Across the agencies, it is also important to note—and I ask Senator Brandis, respectfully, to do so—that the Australian Crime Commission's budget is more than $20 million higher now than it was in 2007, the Customs and Border Protection Service budget is $67 million higher than it was in 2007, the Australian Federal Police budget is more than $340 million higher and there are 600 more sworn Australian Federal Police than there were back in 2007.

What does all this mean when it comes to fighting serious crime? It means getting impressive results. Last year we seized more heroin, more cocaine and more amphetamines than ever before. In July we seized half a billion dollars worth of illegal drugs, the largest seizure of ice in Australian history and the third-largest heroin seizure. That is more than we often seize in a year. The amount of drugs and illicit materials we have seized in air cargo has more than doubled since 2007. In 2007, Customs detected some 870 parcels containing drugs or other prohibited items. Last financial year, using criminal intelligence and targeting, Customs detected over 1,800 parcels. That is quite an extraordinary increase.

This bill will allow drug laws to keep pace with the market for new and emerging drugs by moving lists of illicit substances from the Criminal Code to regulations. This will make it substantially quicker to update the list in response to new threats and will make the list more responsive to law enforcement needs. The government is committed to minimising the impact of harmful drugs in Australia, as you can see from these measures.

The bill will also target identity crime, which is one of the fastest-growing crimes in Australia. The government's comprehensive identity security strategy will be bolstered by expanding identity crime offences to cover people who use a carriage service, such as the internet or a mobile phone, to obtain identification information with the intention of committing another offence. It will also criminalise the use of identity information with the intent to commit a foreign offence. Travelling under a false identity is a tactic commonly used by organised criminals in Australia and overseas to evade law enforcement detection, and this bill will make it a crime to use a false identity to book a flight over the internet or to use a false identity when identifying oneself for the purposes of travelling on a flight.

This bill will also increase the value of the penalty unit by more than 50 per cent, to $170. This increase ensures that financial penalties provide a strong deterrent to white-collar criminals in serious and organised crime groups. Corruption will be targeted by making improvements to the Law Enforcement Integrity Commissioner Act 2006 and the Commonwealth superannuation order laws. Finally, this bill represents a significant step in the effort to combat serious and organised crime and white-collar crime, and I commend it to the chamber.

Question agreed to.
Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Boyce) (12:42): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (12:42): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

MATTERS OF PUBLIC INTEREST

Healthy Body Image

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (12:43): Today I want to draw attention to two issues of concern currently being championed by the Commonwealth Women Parliamentarians and about which I have spoken previously in the chamber. These are the need for our parliament to take action on promoting healthy body image by putting tighter regulations on digital enhancement of media images and opposing the premature sexualisation of children and young people through overtly sexual advertising. I am sure everyone in this chamber is well aware of its damaging effect on the self-esteem and the wellbeing of young people.

Just last year the American Medical Association released a scathing assessment of the advertising industry in that country. The association pointed to the large body of literature linking media propagated images of unrealistic body image to eating disorders and other child and adolescent health problems.

Dr Barbara McAneny, spokesperson for the AMA, said, 'We must stop exposing impressionable children and teenagers to advertisements portraying models with body types only attainable with the help of photo editing software.'

Of course, the photoshopping of media images is not the sole contributing factor to the widespread problems of depression, eating disorders and social isolation which plague young people. It has, however, been identified in country after country as a major contributing factor and one which can and should be regulated by responsible governments. It comes as no surprise then that in recent years attempts have been made around the world to introduce legislation mandating that digitally enhanced photographs of models carry disclosure statements. These are statements that would inform consumers that the image they were viewing had been altered and was not an accurate representation of the model photographed.

In 2009 a group of UK parliamentarians, led by Jo Swinson MP, sought to introduce such legislation because, as Swinson pointed out, 'There's a problem out there. Half of young women between 16 and 21 say they would consider cosmetic surgery and we've seen eating disorders more than double in the last 15 years. The way excessive retouching—of digital images—has become pervasive in our society is contributing to that problem.' Also in 2009, French parliamentarian Valerie Boyer and 50 of her parliamentary colleagues proposed a similar law, which would apply not only to advertisements but also to press photos, political campaigns, art photography and photos on product packaging. French parliamentarians proposing these laws considered disclosure statements to be in the interests not only of public health but also of consumer protection.
In 2011 in Norway, Audun Lysbakken, the minister for children and equality, pushed for warning labels to help consumers, particularly young people, distinguish between digitally altered images and unaltered ones. Minister Lysbakken bemoaned the fact that in Norway hundreds of thousands of young girls endured eating disorders while living with a distorted self-image obtained partly by hopeless comparisons with digitally distorted beauty ads. I might add that this issue does not pertain just to young women; it also affects young men.

Given the global groundswell against the undisclosed digital enhancement of photographic images in advertising, it was no surprise that the government of Israel achieved success in March this year in introducing laws to mandate disclosure. It is now law that any advertisement published for the Israeli market must have a clearly written notice disclosing if the model shown in it was digitally altered. I have referred to Israel in my previous speeches. The facts have been put before this chamber previously.

I would like to urge this parliament not to be left behind by this international groundswell. Let's place ourselves at the forefront of the international push to require disclosure of digitally altered images in advertising not only as a matter of public health but also as a matter of protecting consumer rights to the accurate presentation of images in advertising.

Let me now turn attention from the need to regulate the digital enhancement of media images to the need for us to oppose, as a parliament, the premature sexualisation of children and young people through overtly sexual advertising. In April this year the Australian Medical Association called for a new inquiry into the premature sexualisation of children in marketing and advertising. They have subsequently been joined by media commentators and social policy advocates also insisting on the need for a new inquiry. I would urge the parliament to support this call.

In 2008, the Senate Standing Committee on Environment, Communications and the Arts undertook an inquiry into the sexualisation of children in the contemporary media environment. The committee consulted widely with the community, received many informative and helpful submissions and came up with a raft of excellent recommendations. The inquiry put the onus on broadcasters, publishers, advertisers, retailers and manufacturers to take into account widespread community concerns. Of its 13 recommendations, we as a government have acted on two: funding a children's channel on the ABC and amending the children's television standards. There has been little action on other recommendations, including a longitudinal study into the effects of sexualisation on children, a review of music video classification, improved complaints and vetting systems and a review of the progress which was due within 18 months of the release of the 2008 report.

In 2009, a private member's motion was moved in the House of Representatives highlighting concerns about the premature sexualisation of children in the media. The motion had the support of members from the major parties. And yet still, as Dr Steve Hambleton of the Australian Medical Association pointed out, we are left with a system of self-regulation by the advertising industry which is clearly not working.

Speaking on the Today show in April this year, Dr Hambleton revealed that the AMA decided to go public about their concerns because of a spate of advertisements appearing in the Australian media which
featured very young children in images and with messages that were disturbing and sexually exploitative. 'These are highly sexualised ads that target children, and the advertising industry is getting away with it,' Dr Hambleton said. Dr Hambleton spoke of the research linking sexualised advertising with depression and eating disorders in young people as well as creating a blurring of normal sexual development in children and young people. 'There is strong evidence that premature sexualisation is likely to be detrimental to child health and development, particularly in the areas of body image and sexual health,' Dr Hambleton said. Further, he stated, 'The current self-regulatory approach through the Advertising Standards Bureau is failing to protect children from sexualised advertising.'

At present, complaints about ads go to the Advertising Standards Bureau, which considers each case by reference to a code of ethics. In theory the code deems that the implication of sexual appeal in any image of a child 'will always be regarded as exploitative and degrading'. But critics say that too many ads slip through the net and that the bureau's decisions are not binding. Advertisers are simply asked to modify or withdraw ads deemed to breach the code. An increasing number of parent groups want tougher and binding regulations. Among these groups are Collective Shout and Kids Free 2B Kids, which target products and marketing that sexualise children.

Last Monday the Commonwealth Women Parliamentarians group hosted a Twitter forum on the topic of body image and the sexualisation of children in the media. We received several hundred comments and, on the basis of these, we perceived that the dominant mood of the public is of frustration at the amount of sexualisation going on and cynicism about the commitment of politicians to back up parents by enforcing community standards in advertising and the media. Some of the comments we received were:

- the sexualisation in this country is like a tsunami hitting our shores where can u hide? TV, mags, bus shelters, music kids & young ppl currently exposed to ads with essentially no gatekeeper. Media harm & sexploitation the norm.
- Key take home message from OS inquiries is that Oz is being left behind. Lots of talk no action I agree. It's embarrassing. Even the French are putting better boundaries around kids & sex than us
- Seems that corporates can simply palm off objections to sexualised content with no ramifications
- I think self regulation is a joke!
- Responsibility should fall on biz and consumer but decades of history tells us this isn't enough. Govt step up!
- Another interesting comment was related to smoking. It was: Can't smok within 10m of playgrounds but I've seen many dads in them wear explicit porn shirts
- Another one was: child on child sexual abuse increasing like never b4, what changed? the children or the society they grew up in?
- It seems, at least anecdotally, that the mood in the community concurs with the view of the AMA that stronger action is needed to stop the practice of pushing adult themes to young children. In its statement in April the AMA said:
- We urge the Government to start a new Inquiry with the view to introducing tougher measures, including legislation, to protect the health and development of our children by shielding them from sexualised and other inappropriate advertising.

Since the AMA statement in April other media commentators and social policy advocates have come out in support of Dr Hambleton. They point to significant new
research which has been done since the 2008 inquiry, exploring the links between sexualisation of children in the media and detrimental health outcomes.

I put it to you, my parliamentary colleagues, that the mounting body of new evidence from Australia and overseas needs to be reviewed and considered with a view to introducing more realistic and enforceable regulation of the advertising industry. We need to decide as elected representatives what is more important for our society: that the advertising industry flourish unfettered, regardless of whose welfare they might be putting at risk, or that we show enough concern for younger members of our society at vulnerable stages of their development to examine the research and introduce legislation which protects their right to healthy development.

I have spoken on numerous occasions in this chamber about the sexualisation of children in advertising. I know that there is a lot of support around the chamber for the idea that changes be made to advertising regulations, and I urge my colleagues to support a review of the regulations. The onus is on us to protect the most vulnerable people in our community. Without a doubt the greatest gift we can give to our community is the protection of our young people and children. I urge this parliament to support calls for a new inquiry into the sexualisation of children in advertising and media.

Prime Minister

Senator RONALDSON (Victoria) (12:57): I quote from the transcript of a press conference in Canberra on 29 April. In it the Prime Minister says:

Australians are entitled to expect that people in public life uphold the highest standards.

Among the highest standards which must be upheld in public life is trust. The Prime Minister herself has failed the fundamental requirement of upholding the standard of trust. But it is not just me who is saying so; her own side is also saying so. I quote from comments about trust made by Senator Doug Cameron in an interview on 27 February this year. Referring to the Prime Minister, he said:

You know, she has blamed Kevin Rudd for every problem she has got. I don't accept that proposition. It wasn't Kevin Rudd who caused the problems during the election campaign. It wasn't Kevin Rudd who made promises that were unfulfilled. So I think we have an issue of trust, and people trust Kevin Rudd …

Unmistakably implicit in that comment from Senator Cameron is that this Prime Minister is not trusted. According to Senator Doug Cameron, this Prime Minister is not trusted. What have been some of the breaches of the highest standards of trust that we have seen under the watch of this Prime Minister? The first of them was the promise given by the Prime Minister before the last election, 'There will be no carbon tax under a government I lead.' I wonder whether that was the comment Senator Cameron was referring to when he said 'caused problems during the election campaign' and 'made promises that were unfulfilled'. So the first breach of trust by this Prime Minister occurred before the last election.

The second breach of trust relates to the Craig Thomson affair and the start of the prime ministerial protection racket, a prime ministerial protection racket which has breached that fundamental element of leadership—trust. The community is well aware of the matters raised about Mr Thomson back in 2009. The public is aware of the sordid details of his behaviour and I will not go through those today. But we know this affair commenced in 2009 and we know that it was back then that one of the senior staff members of the Prime Minister, then the minister responsible, contacted Fair
Work Australia or its predecessor about it. That was the start of the Prime Minister's involvement in the Craig Thomson affair. The protection of Craig Thomson was about protecting a wafer-thin majority—and the standards applied in attempting to achieve that were also wafer thin.

I will very briefly go through the details of how the Prime Minister's protection racket has operated in the other place. On 16 August 2011, the Prime Minister said:

It gives the opportunity to say I have complete confidence in the member for Dobell. I think he is doing a fine job …

On 17 August, she again said:

I have complete confidence in the member for Dobell.

On 18 August 2011, she said:

As I expressed in the parliament yesterday I have full confidence in him. I will happily repeat that today: I have full confidence in the member for Dobell.

On 22 August, again in question time, the Prime Minister said:

… I do have full confidence in the member for Dobell.

I turn now to the second part of this Prime Minister's protection racket, the second breach of trust in relation to parliamentary standards—and that of course revolved around the former Speaker. This is the second element behind Senator Doug Cameron's reflections on what the perceptions of the Prime Minister are. I will not go through the allegations made against Mr Slipper because, again, they are on the public record—as sordid as they are, they are on the public record. But I will refer to the Prime Minister's ongoing protection of both Mr Slipper and Mr Thomson.

I wonder what drove the extraordinary turnaround on 29 April this year, when these immortal words were used by the Prime Minister:

To put it at its most simple, I think there is a line which has been crossed here.

The only line which was crossed here was with the Labor Party's internal polling. The protection racket had been going on for years. This is a Prime Minister who had stood up day after day, who had supported the member for Dobell and who had supported the member for Fisher. She only moved when it became too hard, on the back of internal Labor Party polling, to continue the protection racket. Then and only then did the Prime Minister move. I thought it was interesting that, at that press conference, Michelle Grattan asked the Prime Minister:

Prime Minister, do you accept that you have made a serious error of judgement in both these matters? Did you consult widely with your cabinet in coming to these decisions, and haven't you left Anthony Albanese out to dry after defending Mr Slipper up hill and down dale over the last few days?

This Prime Minister, as part of the protection racket, did indeed leave Mr Albanese hanging out to dry. It was only when she got Labor Party internal polling indicating that they were suffering that she moved. She had had the opportunity to do so months before—if not years.

I will move on now to some comments made by Mr Warren Mundine after his retirement. I think Mr Mundine summed up this Prime Minister, summed up her approach to politics and summed up her absolute obsession with the retention of power. He was talking about Indigenous issues—the disparity between Indigenous and non-Indigenous Australians. He said:

It became more about the politics than actually achieving anything. And I began to start losing faith.

Mr Mundine knew it was about the politics and never about the policy. One of the great warriors of the Australian Labor Party felt
motivated to leave his own party on the back of that.

The third part of the protection racket does not involve Mr Thomson or Mr Slipper; it involves the Prime Minister herself. This is the self-protection racket. This Prime Minister, on the back of one misused word in the _Australian_—they referred to 'trust fund' instead of 'slush fund'—has attempted to inoculate herself completely from answering any questions about the slush fund. She used that one word to run an hour-long press conference and has refused to answer any questions since. Thankfully there are those in the press gallery here and elsewhere who are prepared to stand up to the Prime Minister. There is, of course, the usual conga line of apologists who refuse to do so, but even they are now coming under enormous pressure to start asking the Prime Minister the questions she must answer.

On 1 November in the other place, deputy opposition leader Julie Bishop asked Ms Gillard:

> Why did not the Prime Minister herself report the fraud involving the Australian Workers Union Workplace Reform Association that she helped establish?

Ms Gillard replied:

> By the time the matter she refers to came to my attention they were already the subject of inquiry and investigation.

The self-protection racket is now failing—the defences are being proven false. It is time this Prime Minister stopped hiding behind the misuse of one word, hiding behind an hour-long press conference and hiding behind a refusal to answer any questions. She must on Monday, some 50 metres from this place, tell the Australian people and explain to the House of Representatives why she has apparently misled both parliament and the Australian people.

**Senator Brandis:** What about the missing files?

**Senator RONALDSON:** As Senator Brandis says, there are the missing files as well as the missing money and the missing explanations. I want to demonstrate how low this government and this Prime Minister have sunk. I want to talk about a gentleman by the name of Mr McTernan. Andrew Probyn's article on 2 March this year went a long way towards explaining this. He quoted a comment made by Mr McTernan, who of course worked for former Prime Minister Blair in Britain for 12 years. Mr McTernan is quoted in the article as saying:

> The key is to realise that you don't need to tell the whole truth, just nothing but the truth … Don't lie. Don't equivocate. But set out a defensible truth: one that you will not have to expand, modify or resile from.

Andrew Probyn goes on to say:

> The thing about plausible deniability or defensible truth is that it encourages approximations of what really happened. And when approximations of the truth are published or alleged, spinners like Mr McTernan delight in knowing the people they are handling—in this case Ms Gillard—can deny the veracity of the approximations without dealing with the underlying truth. Mr McTernan has clearly well briefed the Prime Minister in relation to those words.

I want to finish with Mr McTernan in the context of the Prime Minister's disgraceful misogyny speech. In the _Weekend Australian_ on 6 October Chris Kenny made this comment:

> The theme is hard to miss and the aim is transparent. Labor wants to portray conservative criticism of Gillard as attacks on women. The genesis of this tactic is illuminating. McTernan, a former adviser to British Labor Prime Minister Tony Blair, was brought to Australia by former South Australian Premier Mike Rann.
He is now the communications director for Ms Gillard. The article goes on:

In a column for Britain's Daily Telegraph in 2010, McTernan declared: "The Coalition has a problem with women." He argued spending cuts proposed by the Conservative and Liberal Democrat Coalition in Britain were unpopular with female voters. "This gender gap is a real and pressing problem for (British PM David) Cameron," he wrote.

Last year another column on law and order issues was headed: "How many women today feel the Coalition is protecting them?" And just in case you missed the angle, a few months later McTernan focused on women promoted in British Labor's reshuffle, turning it against Cameron: "The PM has a problem with women and he knows it."

We know the depths that this Prime Minister and this party will sink to. We have seen the work of John McTernan in the last month. We know he was deliberately put on by this Prime Minister to achieve what he has tried to achieve in the last month, and it is not about good policy; it is about dirty politics.

When you look at the comments he made about David Cameron, when you look at the comments he made about the Conservative Party in Britain and when you look at the comments made by the Prime Minister, two and two still equals four. I finish on this note: we all know the book by Graham Richardson, Whatever it takes. Well, the Prime Minister has written the Labor Party bible, and she stands utterly condemned.

(Time expired)

Carr, Senator Bob

Senator FIERRAVANTI-WELLS (New South Wales) (13:12): Today I would like to reflect on some exchanges in the New South Wales parliament which raise issues relating to Mr Carr's judgement in relation to Mr Obeid. The basic question is whether Mr Carr should have been aware of what Mr Obeid was up to but simply averted his eyes and looked the other way.

Clearly, Mr Obeid's actions over many years raised serious questions about his suitability for office and most especially about his being made a minister. Given matters before ICAC at the moment, I will not traverse those issues. I simply ask the question: does Mr Carr ever pause and reflect that, had he not promoted, protected and defended Mr Obeid, Australia would not now be in a position where its international reputation is at risk of being stained by the activities of his mates in the New South Wales right, or is the minister just a hand-washer in a remorse-free zone?

Before we look at some of these exchanges, I remind the Senate that Mr Obeid became a member of the Legislative Council on 12 September 1991. He remained an MLC until 10 May 2011. For almost 20 years as an upper house member he appears to have wielded an extraordinary level of power. In an article on 10 May 2011 entitled 'Obeid turns off the power and makes a quiet exit,' Sean Nicholls wrote:

The year after entering Parliament, he and a close friend, the former federal MP Graham Richardson, arranged for the late stockbroker Rene Rivkin to buy the Offset Alpine printing press from media mogul Kerry Packer. Mr Obeid's son was made a director. The printing premises were destroyed by fire in 1993.

Mr Obeid had bad luck when it came to fires. In July 1983 fire destroyed the offices of his newspaper, El Telegraph, in Garners Avenue, Marrickville. Bad luck was to follow him to his newspaper's new premises in Marrickville Road, where, in 1992, there was another fire. Mr Obeid also had the misfortune of having two fires at his former home in Concord.
Just on Offset Alpine, as Kate McClymont reported on 31 October 2003, the fire at the plant turned out to be a stroke of very good luck for a group of high-profile investors. The plant was worth $4 million and the company had just taken out insurance for $53 million, with full replacement value of $42 million. But, as the article states, 'the only person to have whinged about missing out on the Offset Alpine' payout was 'ALP heavyweight Eddie Obeid', who had put the deal together.

The article states a number of matters, including that Mr Obeid was first offered Offset but could not come up with the $2 million for 25 per cent of the company; that Mr Obeid mentioned the deal to his friend Graham Richardson, who suggested his good friend, Rene Rivkin, might be interested; that Rivkin agreed to finance the deal; and that 'Mr Obeid was privately bitter over the matter and has complained to friends that he felt Rivkin ripped him off.' Interestingly, in an article in *The Monthly* in July 2010, Paul Barry writes: 'Intriguingly, the official police report revealed that an anonymous note had been sent to the insurance company’s fire investigator', pointing the finger at Mr Obeid—who, indeed, had had a problem with fires in the past. Mr Carr was Premier from 4 April—


Senator FIERRAVANTI-WELLS: Thank you, Senator Brandis. Mr Carr was Premier from 4 April 1995 until 3 August 2005. Mr Obeid was Minister for Fisheries and Minister for Mineral Resources from 8 April 1999 to 2 April 2003. His time as a minister was wholly within the time of the premiership of Mr Carr. Mr Carr should have remembered the old saying 'Where there is smoke there is fire'. In Mr Obeid's case, there was lots of smoke and many fires.

It did not take long into Mr Obeid's time as a minister for questions about his pecuniary interests to surface. On 9 September 1999, Mrs Chikarovski asked Premier Carr: Has the Premier asked his Minister and Labor Party powerbroker Eddie Obeid to explain why he asserted yesterday that he held no shares in Hapgeti when the company's own annual returns—prepared by Mr Obeid's son—shows the Minister to be the sole registered shareholder?

... ... ...

Is Mr Obeid lying or is he just incompetent? Premier Carr’s response was to attack Mrs Chikarovski, saying:

This whole matter concerns an argument about a tender generated by a dissatisfied representative of a company in the Sydney City Council area.

Then on 3 September 2002 allegations surfaced about Mr Obeid’s involvement in the Oasis Liverpool Development. Premier Carr was asked:

When did he first learn of allegations of attempted bribery by Minister for Mineral Resources, and Minister for Fisheries and what steps did the Premier take to satisfy himself of the Minister's innocence before the Premier said that he had full confidence in the Minister, describing the allegations as utterly false and reckless?

Premier Carr responded:

The Leader of the Opposition would be the only one trying to breathe life into ludicrous allegations.

Again, on 3 September 2002, Premier Carr was asked:

Why does the Premier continue to believe that the Minister for Mineral Resources, and Minister for Fisheries, Eddie Obeid, is honest, when documents show that he failed in the register of disclosures 1994-95 to declare that he continued as a director of Al Constantinidis’ company, Jensay, and also as a director of Constantinidis' piggery company, Olympia Group?
Mr Carr’s response was simply to mock the Leader of the Opposition, brushing it aside and saying:

This matter was thrashed out in the upper House ages ago and was answered in the upper House ages ago.

Mr O’Farrell then pertinently took a point of order:

Before the Premier presumes to misrepresent members of the Opposition on pecuniary interest, let us just get an answer about the Minister for Mineral Resources, and Minister for Fisheries, Eddie Obeid, who is the only Minister to have bought his place on the front bench by bankrolling backbench members of the Labor Party. He paid his way into the Ministry, and the Premier ought to reveal to this House the questions he asked the Minister for Mineral Resources, and Minister for Fisheries, Eddie Obeid, about his disclosures, what the ministerial Code of Conduct obliges the Minister to tell the Premier, and why the Premier continues to help a man who tells lies to this Parliament time and time again.

Mr Carr’s answer totally ignored dealing with the allegations. In a subsequent answer to another opposition question that day, Mr Carr persisted that 'the allegations are inherently ludicrous'.

Having been a lawyer at the AGS and having had some experience with taxation issues pertaining to the famous piggery, I have some knowledge of Mr Constantinidis, his connections and his activities. Alarm bells should have been ringing. The issue was referred to the New South Wales Parliament Legislative Council Standing Committee on Parliamentary Privilege and Ethics, and the report pertaining to Mr Obeid’s colourful history makes for interesting reading. I would remind the Senate that the terms of reference of that inquiry refer to various responses Mr Obeid had given to questions about his pecuniary interests, such as:

Since I became minister I have had no active part in any professional practice or in any business.

That was a letter to the Premier—Hansard, 8 September 1999. In the Hansard of 29 August 2000:

My pecuniary interests of 1999 stand.

In the Hansard of 31 August 2000:
I have complied with the requirements of my pecuniary register every year.

In the Hansard of 5 September 2000:
My pecuniary interests are well in order.

Ha, ha! Hansard, 31 October 2000:
I have answered enough questions on my pecuniary interests. They are there for everyone to see. They comply with the requirements of the Constitution.

Hansard, 18 September 2002:
Anything I have to say about my pecuniary interests is well recorded. Any time that I feel it should be corrected, I have done so.

The inquiry showed that since 1991 Mr Obeid had made 154 errors in his pecuniary interest returns, of which 137 had been 'corrected', in the sense that Mr Obeid had disclosed an association but not the precise details of the nature of the interest or position to the Clerk, with 17 of the errors not being 'corrected' before Mr Obeid gave evidence on 16 October 2002.

And what was Mr Obeid’s excuse? He blamed his accountants—notwithstanding that the information was readily available through ASIC records. Whilst the Labor dominated committee voted against parts of the chair's draft and found no wrongdoing against Mr Obeid, the evidence clearly suggested that he had something to hide. That, above all else, should have rung loud alarm bells for all concerned in New South Wales, including Mr Carr.

Then, on 19 November 2002, questions were raised about the Valhalla Stables lease. I remind the Senate that this is the matter
which involved Mr Carr as the minister for the environment and approaches that Mr Obeid made in relation to a variation of the lease. Mr Brogden asked then Premier Carr:

In view of his previous answer, how does he explain a briefing note from Mr J. F. Whitehouse, Director of the National Parks and Wildlife Service, dated 3 March 1988 with respect to the Valhalla stables? It states in part:

The Minister requested the service review the request—

that is, the request from Eddie Obeid—

with a view to providing alternatively worded provisions that could meet the requirements of the lessee.

Mr Carr, of course, did not address the specific allegations and simply said:

I, as Minister at the time, said that there was no departure whatsoever from the existing policy of the National Parks and Wildlife Service regarding these developments.

Not long after, on 23 October 2002, the Premier was again questioned about Mr Obeid's pecuniary interest disclosure. I quote:

As Eddie Obeid's sworn evidence to a parliamentary investigation last week that he has had no business dealings since becoming a Minister has been contradicted by sworn evidence from Mr Karl Suleman, will the Premier sack the Minister for lying to Parliament?

Mr Carr's response was:

I believe the Minister answered those questions fully in the Legislative Council today.

Haven't we heard that one before, Senator Richardson?

Honourable senators interjecting—

Senator FIERRAVANTI-WELLS: Sorry, Senator Ronaldson. That was a Freudian slip! Again, on 19 November 2002, the Premier was questioned on the lease matter. He was asked:

Can he explain why, after he met Eddie Obeid twice as Minister for the Environment during the caretaker period for the 1988 election campaign over changes he was seeking for his Valhalla Stables snow lease development, National Parks and Wildlife Service officers and Obeid's solicitors had opposite views about what he had promised?

Despite all of this, Mr Carr's response was, 'There were no opposite views' and he proceeded to change the subject. He was asked:

In light of the Premier's claims, what part has the fact that he was compromised by Eddie Obeid over his Valhalla Stables snowfield development while the Premier was Minister for the Environment played in his refusal to sack Mr Obeid—or does he have something else over you, Bob?

Again Mr Carr deflected by attacking on another unrelated matter. This is the crux of the problem for Mr Carr. Is this the reason why he has continuously turned the Nelson blind eye to Mr Obeid’s activities and that, despite myriad allegations, he still saw fit to appoint Mr Obeid a minister in April 1999? Interestingly, in the second reading debate on the Environmental Planning and Assessment Amendment (Ski Resort Areas) Bill, which dealt with changes to planning for ski resort areas, Minister Obeid did not see fit to disclose any conflict of interest, despite his involvement in the Valhalla Stables lease matter.

On 30 October 2003, the Premier was asked about business interests and ongoing scandals involving former ministers, including Mr Obeid:

… can the Premier guarantee that none of his former Ministers or Parliamentary Secretaries used their positions to set up businesses or jobs to fund their retirements?

Mr Carr's response was:

It is clear that there are no issues and there is no research over there. There ain’t anything happening that the Opposition can get its teeth into.
Indeed, he even boasted:
I have often said this is the period of best governance in the history of New South Wales.
As history has shown, Mr Carr, this was a hollow boast indeed. On 3 June 2004, questions were raised about Ms Janet Obeid and threat allegations:
Given allegations today by Eddie Obeid that his niece Janet Obeid is a "psychopath" and is pursuing a vendetta, can the Premier confirm that she has been in contact with his office to raise serious allegations about threats to her safety from the Obeid family? Has he referred this matter to the New South Wales Police for investigation?
Mr Carr completely ignored the question about somebody who rang his office for assistance. He was asked:
Does the Premier believe that Eddie Obeid is still fit to be a member of the Australian Labor Party?
The response was:
He is, and as far as I know there is no move to expel him.
These issues go to the very heart of Mr Obeid’s suitability to remain in parliament, let alone to be promoted to the ministry. (Time expired)

Asian Century White Paper

Senator BILYK (Tasmania) (13:27): I rise today in this matters of public interest discussion to speak on the government's Asian century white paper. We live in an age of great change for the world. Like those looking forward at the beginning of last century, the changes that this century will bring will be profound. And again, like those looking forward at the beginning of last century, we will not know what those changes will be and how they will affect our lives. But there are things that we do know.

In the past 20 years, China and India have almost tripled their share of the global economy. They have increased their absolute economic size almost six times over. This is an extraordinary economic feat. By the end of this decade, Asia is set to overtake the economic output of Europe and North America combined. By 2025, Asia, the world's most populous region, will account for almost half the world's output, with the average gross domestic product per person in Asia set to double. Within only a few years, Asia will be not only the world's largest producer of goods and services but also the largest consumer of them, and it will be home to the majority of the world's middle class.

With a rising Asian middle class, the demand for services from Australia will increase, and we must take action now to ensure that we have the skills and capacity to provide those services. We cannot delay in developing the skills we need or we will simply be left behind. When the Prime Minister launched the white paper, she said: Australia has unprecedented opportunities in this Asian century of growth and change.

We’ve already seen the first down-payment in our economy through the demand for our raw materials. It is prudent to get ready for what Asia will demand from us next, what Asians will next want to buy from our nation. As Asia changes, as it becomes home to the world's biggest middle class, then it will want to buy the things that Australia has to sell. Whether it's high quality food, top end tourism, international education, elaborately transformed manufactures, and the list goes on.

In the future, our prosperity lies with a deep and committed engagement with Asia. It is what we need to keep our economy strong—currently the 12th largest in the world according to the International Monetary Fund. To do this, we will need a genuine understanding of those who we will do business with: the peoples, the cultures, the languages, and their approaches to business. We must be diplomatically and commercially engaged across Asia.
The Asian century white paper is the Australian government's plan to make sure Australia is a winner in the Asian century. As a nation, we face a choice: to drift into our future or to actively shape it. We cannot just rely on luck—our future will be determined by the choices we make.

The Asian century white paper outlines how Australia needs to act in five key policy areas. Australia's prosperity will come from building on our strengths, reinforcing the foundations of our society and our productive, open and resilient economy at home. That means ongoing reform and investment across the five pillars of productivity—skills and education; innovation; infrastructure; tax reform; and regulatory reform.

As a nation Australia must do even more to build the capabilities that will help Australia succeed. Our greatest responsibility is to invest in our people through education and skills to drive Australia's productivity performance and ensure that all Australians can participate in and contribute to the Asian century.

Australia's commercial engagement in the region will be most successful if highly innovative, competitive Australian firms and institutions develop collaborative relationships with others in the region. Australian firms need new business models and new mindsets to operate and connect with Asian markets. The Australian government will work to make the region more open and integrated, encouraging trade, investment and partnerships.

Australia's future is irrevocably tied to the ongoing prosperity and sustainable security of our diverse region. We have much to offer through cooperation with other nations to support sustainable security in the region. The Australian government will work to build trust and cooperation bilaterally and through existing regional mechanisms. The Australian government will continue to support a greater role for Asian countries in a rules-based regional and global order.

Australia needs to strengthen its deep and broad relationships across the region at every level. These links are social and cultural as much as they are political and economic. Improving people-to-people links can unlock large economic and social gains. While the Australian government plays a leading role in strengthening and building relationships with partners in the region through intensive diplomacy across Asia, others across a broad spectrum, including business, unions, community groups and educational and cultural institutions, also play an important role.

The white paper sets out a number of ambitious targets for our country for the years up till 2025 to ensure Australia can fulfil its ambitions and compete effectively within Asia. These include, by 2025, Australia’s GDP per person will be in the world’s top 10, up from 12th, requiring a lift in our productivity. This will mean Australia’s average real national income will be about $73,000 per person compared with about $62,000 in 2012.

By 2025, our school system will be in the top five in the world, and 10 of our universities in the world’s top 100. Globally we will be ranked in the top five countries for ease of doing business, and our innovation system will be in the world’s top 10.

Studies of Asia will be a core part of the Australian school curriculum. All students will have continuous access to a priority Asian language: Mandarin, Hindi, Indonesian and Japanese. I know how important this is personally because my son—whose birthday it is today—studied Japanese at university as one of his majors...
and is now living and working in Japan because of his ability to speak fluent Japanese.

As an aside, I was pleased to see in a Tasmanian newspaper today, an article about grade 3 and 4 students at the Corpus Christi school in Bellerive who have started learning Indonesian. This program is now underway in four Catholic schools in Tasmania, including via an online course to St Joseph's Primary school in Queenstown on the west coast. That is another example of how the use of the internet can be used to deliver training to remote areas. The opportunities to deliver training in this matter will only increase with the rollout of the NBN.

The Asian century white paper provides a target for our leaders to become more Asia literate, with one-third of board members of Australia's top 200 publicly listed companies and Commonwealth bodies having deep experience in and knowledge of Asia. Our economy will be deeply integrated with Asia with at least one-third of GDP—up from one-quarter today. Our diplomatic network will have a larger footprint across Asia, supporting stronger, deeper and broader links with Asian nations.

The white paper will set the strategic direction for our policy and funding measures for the whole budget. We are already investing substantial funding across the key action areas outlined in the white paper, including skills, education and infrastructure funding. The National Broadband Network will boost our ability to use our teaching resources effectively, and we will build on new and emerging technology so every child in every school has the opportunity to learn an Asian language.

These objectives will build on the work the Gillard government has already done to increase the understanding and study of Asian languages and culture, including the $62 million National Asian Languages and Studies in Schools Program, and Mandarin is one of the first two languages to be rolled out under the new national curriculum. To help achieve this, every school will engage with at least one school in Asia to support the teaching of a priority Asian language, including through increased use of the NBN.

For Australia to succeed in the Asian century, we need to equip all young Australians with a better understanding of the culture, history and languages of our Asian nations. Greater engagement with Asia will bring greater prosperity for Australia. I am particularly glad to see that the Premier of my home state of Tasmania, Lara Giddings, has already been proactive in trying to engage investors from Asia to invest in Tasmania and find new markets for Tasmanian products and to make the most of the natural advantages that Tasmania has.

Tasmania has enormous opportunities in the upcoming Asian century. Tasmania has world-leading products that the rising Asian middle class want. We have top-quality wines, cheeses, handcrafted timber products, fresh fruits and vegetables, artisan meats and honey, amongst others. We have natural resources that, through appropriate foreign capital investment, we can utilise to benefit all Tasmanians. There is enormous capacity for expansion of our education sector.

Already Tasmania has thousands of students from overseas gaining a tertiary education from the University of Tasmania and our TAFEs. Our proximity to Antarctica makes us a natural place from which to launch scientific exploration of the Southern Ocean, and I am sure that as Asian nations seek to increase their scientific understanding of the world, Hobart will be a perfect base to start their explorations from,
working in partnership with Australian research organisations.

The Asian century provides us with unique opportunities. Only by putting in the groundwork now, to invest in education, to gain greater awareness of our Asian neighbours, will we have the opportunity to capitalise on the great economic and social benefits that the coming century will bring.

Leadbeater's Possum

Senator DI NATALE (Victoria) (13:38): Today I rise to speak about a resident of Victoria, but also about a matter that is of concern to all Australians. That resident is the Leadbeater's possum. I am afraid that this wonderful part of Australia's natural history, a wonderful part of this planet's incredible biodiversity, could soon be lost forever.

Leadbeater's possum is a tiny little marsupial. It is found only in Victoria. It is a relative of the sugar glider. It is an amazing little animal. They construct very large and intricate nests where they huddle together in families to shelter from the cold Victorian winter months. We were so proud of this animal in Victoria that in 1968 we made it Victoria's faunal emblem.

The possum's habitat is on Melbourne's doorstep in the forests of the central highlands, in our magnificent mountain ash forests. Because they are not found anywhere else in the world, the future of this animal is intimately tied to these wonderful forests. Any threat to the forests means extinction for the Leadbeater's possum. In fact no-one actually saw one of these animals for over 50 years, and it was presumed to be extinct, until it was spotted again in 1961. Since its rediscovery, it has been recorded in more than 300 locations; although many of these places have been disturbed by logging and by fire.

Healesville Sanctuary is home to a small captive breeding population, and as part of Zoos Victoria the sanctuary's biologists are attempting to fight its extinction and trying to change the fate of threatened species like the Leadbeater's possum. The work of the expert biologists is to be commended but they do face an uphill battle. The possum is listed as a threatened species in Victoria and is classified as endangered under the EPBC Act. This has triggered the preparation of a recovery plan under Commonwealth law and an action statement in Victoria. Sadly, both the action statement and the recovery plan are out of date, and neither takes into account the destruction of half the possum's habitat in the 2009 Black Saturday fires.

Professor David Lindenmayer, the country's foremost expert on the Leadbeater's possum, and his team from ANU have undertaken the longest forest-monitoring program in the Southern Hemisphere, 30 years in duration, in the mountain ash forests in Victoria. The consensus is very clear: the species is at great risk of extinction in the near future. Delays, underfunding, lack of political will and inadequacy of the Victorian government's response, including the Victorian government's systematic weakening of environmental legislation, has led Professor Lindenmayer to conclude that the possum is on an extinction trajectory within 25 years. Sadly, Professor Lindenmayer quit the Leadbeater's possum recovery team in Victoria earlier this year in disgust. It was reported that his resignation to the Victorian environment minister stated that the current policies were 'unable to appropriately protect' the animal and that he could no longer be a part of 'such a highly ineffective body'.

In 1998, 5,500 Leadbeater's possums were reported in the wild by the International Union for Conservation of Nature, and today experts quote between 1,000 and 2,000 in the wild, with only five individuals—down from seven—in captivity. We are on the verge of
losing this wonderful animal and our state's faunal emblem.

Unfortunately, the loss of half the possum's habitat to fires has not been factored into the regulatory regime, under which logging takes place in the central highlands. The Victorian government is dragging its feet, underfunding reviews of these regimes and, as Professor Lindenmayer put it, 'monitoring the possum into extinction'.

Victoria's state-owned logging company VicForests has been criticised time and time again for unlawful logging. Each time it was only because a small passionate group of people, community groups like Environment East Gippsland and MyEnvironment, have taken them to court. The Victorian Department of Sustainability and Environment, the Victorian government agency with responsibility for ensuring that logging occurs within the law, has been gutted by the Victorian government's savage budget cuts. It was recently slammed by Victoria's Auditor-General for not even knowing what it was or was not responsible for monitoring, let alone proactively auditing whether activities such as logging are occurring in accordance with the law.

As it happens, VicForests gets free access to Victoria's forest assets, and it is an economic model that creates a distortion in the market by favouring the logging of Victoria's native forests over plantation forestry. The free handouts and sweetheart deals do not end with free wood and free access to public lands. As a state-owned business, VicForests can call on the government to bail it out at any time if it is running low on cash.

Without these huge subsidies, these enormous artificial commercial advantages, VicForests would go out of business. A recent report by the National Institute of Economic and Industry Research on native forest logging in Victoria found that if VicForests were ever to face a level commercial playing field it would fail. If it ever had to compete directly with plantation timber growers, the market would strongly favour plantation timber, because plantation timber is commercially more sustainable and provides greater resource security than the logging and burning of our native forests. Plantations in western Victoria are estimated to produce no less than twice the volume of pulp logs than those available from VicForests under the business-as-usual case at any time between 2010 and 2049.

Even more shocking is the fact that despite all of these huge subsidies and artificial advantages, VicForests is losing money. I will say that again: they get their land free, they get the trees free and they still manage to lose money. This state-owned business enterprise, created by legislation with the specific purpose of returning a profit for Victoria's taxpayers, has lost money in three of the past six financial years—an incredible feat. The only reason VicForests still exists is that it has been protected by its line of credit with the Victorian government. The 2011-12 financial year was the fifth year running for which VicForests has failed to return any money to taxpayers. Victoria's priceless mountain ash forests are given away free to log and to burn. This is despite their enormous economic potential to attract tourists and to build on the region's thriving tourism sector. Those forests of great value in sequestering vast amounts of carbon for generations have also helped to maintain a clear water supply and yet all of this is being logged away.

Key areas of the Leadbeater's possum habitat face the threat of logging under Victorian state laws. Timber harvesting in these areas is now removing trees that are essential nesting hollows. Along with the
direct harm caused by logging and burning, habitat disturbance due to forestry activities puts even more strain on the Leadbeaters. It is therefore alarming that moves are under way to lock in 20-year contracts to log native forests with compensation payable if contracts are altered by future governments.

Legislative efforts are also under way at a state level to weaken and dismantle Victorian environmental protection legislation to facilitate these 20-year contracts. Against all of this, I acknowledge the excellent work being done to save this unique creature and its habitat from extinction. The community group Friends of Leadbeater's Possum has been working tirelessly to raise awareness about the plight of the possum. The Wilderness Society has been encouraging businesses and individuals to protect the possum's habitat by pledging not to use Reflex brand office paper until the pulp used in Reflex is no longer sourced from Leadbeater's possum habitat. Finally, Zoos Victoria has been working on a captive breeding program for the possum. It is also worth mentioning that Zoos Victoria is the largest employer in the Yarra Valley region, with 550 people directly employed and many more indirectly employed, for example, through catering, security and cleaning operations. Sustainable industries such as tourism are the future for the Yarra Ranges, not clear-fell logging.

Against this backdrop, the Commonwealth government is about to hand environmental decision-making powers to the states, especially those decisions relating to the natural environment. Four decades of environmental protection legislation is at risk of being set aside to allow the states to pursue short-term economic gain at any cost. The handover has three parts: firstly, the Commonwealth intends to give the states power over environmental decisions by fast tracking approval bilateral agreements. These approval bilateral agreements authorise states to make decisions currently made by the Commonwealth. COAG is going to agree on these arrangements by December this year and implement them by March next year. Secondly, imminent amendments to the EPBC act are set to favour the rapid approval of developments ahead of protecting species and habitats. Our environmental laws are already weak enough but this process threatens to tip the balance decisively in favour of development at any cost. Thirdly, states and territories will be allowed to reform state assessment approvals to fast track major development projects.

RFAs, or regional forest agreements, are the model for approval bilateral agreements. RFAs are written agreements between the Commonwealth and the states that exempt logging areas from the operation of the EPBC act. The rationale for this is supposedly that environmental protection is equivalent to that offered under the act but RFAs have completely failed to protect the environment. The RFA process is flawed at every stage but perhaps most crucially, there is no enforcement. It is invariably left up to community groups and individuals to take up the battle. For example, the Federal Court found in Tasmania's Wielangta Forest case that logging has a significant impact on the Tasmanian Wedge-tailed Eagle, the Wielangta stag beetle and the Swift Parrot. In response, the Commonwealth and Tasmania changed the RFA. In Victoria's Brown Mountain case, brought by Environment East Gippsland, logging was found to be unlawful because it breached state laws to protect wildlife. Again, the Commonwealth took no action.

Currently, the Senate is undertaking a threatened species inquiry—a timely examination of a loss of species in Australia. It is an important example of the work of
federal representatives in monitoring the status of our biodiversity in Australia and in ensuring that species like the Leadbeater's possum are not consigned to extinction as habitat destruction is made ever easier for industry and local interests.

The Leadbeater's possum is facing extinction under the Victorian state government's appalling environmental record. The Commonwealth needs to step up and strengthen its environmental laws, not hand them over to the states. Leadbeater's possum is the perfect example of why we need to do this, and do this urgently. The regional forest agreement that brought us to this point means that the Commonwealth has already excused itself from regulating in this area and the result is that the possum is now on a rapid path to extinction.

Instead of learning a lesson from this, we are set to hand over even greater power to the states. It simply makes no sense, because as far as state governments are concerned, safeguarding our natural heritage for the long term always comes behind short-term benefits, rapid development and exploitation. The trajectory is in one direction only. Like many other iconic places in Australia, such as the Great Barrier Reef, James Price Point in the Kimberley and Kangaroo Island, the Leadbeater's possum is far too precious to lose. I fear that if the Commonwealth abrogates its responsibility to safeguard these precious places it is only a matter of time before they are gone, and gone forever. The parliament might still be able to save these national treasures but if they are gone we will never be able to bring them back.

The Leadbeater's possum was named after John Leadbeater, who was the National Museum of Victoria's first taxidermist. It is my great fear that my children might only see this wonderful little animal in the way that John Leadbeater knew it—stuffed, sitting on a shelf in a museum and with future generations being deprived of the opportunity to see and experience part of this planet's wondrous biodiversity.

Sitting suspended from 13:52 to 14:00

QUESTIONS WITHOUT NOTICE

New South Wales Government

Senator FIERRAVANTI-WELLS (New South Wales) (14:00): My question is to the Minister for Foreign Affairs, Senator Bob Carr. Is the minister aware that Australia is a party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions? Given the government announced last year as part of its commitment to develop and implement Australia's national anticorruption plan to amend the Commonwealth Criminal Code on foreign bribery offences, is it fair to say that the government is seeking to set a good international example on corrupt practices? Does the minister support the principles of the convention? Has he in his public life always insisted upon compliance with those principles?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:01): I refer the Senate to the comprehensive answer I gave the house yesterday.

Senator FIERRAVANTI-WELLS (New South Wales) (14:01): Mr President, I ask a supplementary question. Is the minister confident that the record of the government of New South Wales, in particular during the period of his premiership, is compliant with good international practice? Does the scandal and corruption revealed to have been engaged in by Labor politicians to whom he gave patronage, such as Messrs Obeid, Macdonald and Roozendaal, compromise the minister's credibility as an advocate in his
capacity as foreign minister of honest government?

The PRESIDENT: The minister need answer that in so much as it refers to the portfolio.

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:01): I am not sure it does refer to the portfolio.

Senator Brandis: Mr President, I rise on a point of order. The minister did not take a point of order. He did not object to answering the question. He merely said, 'I'm not sure that it does relate to the portfolio.' Given that the final part of the question said, 'Is the minister satisfied that, given the corruption and scandal revealed to have been engaged in by Labor politicians to whom he gave patronage, such as Messrs Obeid, Macdonald and Roozendaal, his credibility as an advocate has not been compromised in his capacity as foreign minister of honest government?' I would ask you to direct the minister to address the question.

The PRESIDENT: There is no point of order. I pointed out to the minister at the start of the question that the minister need answer that in so much as it referred to his portfolio, and I believe the minister answered the question. It might not be the answer that you would like but that is—

Senator Brandis: Mr President, I rise on a point of order. Are you ruling that no part of the question related to the minister's portfolio because the minister attempted to answer no part of the question? Nor did he object to the question. Nor did he take a point of order. He merely said, 'I'm not sure that any of it does.'

The PRESIDENT: The minister has answered the question.

Senator FIERRAVANTI-WELLS (New South Wales) (14:03): Mr President, I ask a further supplementary question. Minister, why should foreign governments listen to moral lectures about corruption from a foreign minister who previously presided over government which was itself, as has now been revealed, riddled with corruption?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:03): There was never a finding against the government I led on the grounds of corruption—never. Not once between 1995 and 2005; not about the government I led. Australia's record and that of New South Wales in the years I can speak for is exemplary.

Broadband

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:04): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister advise the Senate what the government is doing to ensure Australian homes and businesses can make the most of the National Broadband Network?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:04): I thank the senator for her question and her ongoing interest in the National Broadband Network. Unlike those opposite, the Gillard government are prepared to invest in the future of our country. We are in a situation where we are delivering services to people across Australia, nearly 30,000 as I have said a number of times. We are also delivering programs in the footprints of the National Broadband Network. We have had thousands of Australians who have been through these training programs, individual Australians, to
give them the skills they need in the 21st century.

We are running a program for small businesses where they will be trained and get one-on-one training after that. We have had hundreds and hundreds of businesses go through these programs since March when they commenced. Those opposite may like to sign up to some of these programs so they can actually get some education. These programs are vital for Australia to take advantage of the capacity that the National Broadband Network will be providing to people's homes. This is vital for small businesses across Australia who will finally get a level playing field like other businesses in major capital cities. Small businesses across Australia will now get cheap and affordable broadband—

Senator Colbeck: What about the cost of backhaul out of Tasmania?

Senator CONROY: You would not know what backhaul was if it hit you on the head. You sat there for 11½ years and did nothing to help Tasmanians get broadband. Where was your previous government's backhaul plan? We have built $250 million worth of backhaul across this country. (Time expired)

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:07): Mr President, I ask a supplementary question. In Tasmania we are already seeing the benefits, but can the minister provide more details of other initiatives and the impact of broadband on businesses?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:07): The Gillard government understands the potential of fast, affordable and, most importantly, ubiquitous broadband to transform the way that this country works. Launching Australia's first National Telework Week just last Monday, the Prime Minister committed to a target of 12 per cent of APS employees regularly teleworking by 2020. Telework not only improves productivity and saves infrastructure costs but also increases workforce participation.

Independent research that we released last week found telework can significantly increase participation of people who are not in the labour force through disability, carer responsibilities or location. The research found that this teleworking can enable up to 25,000 equivalent new full-time jobs. (Time expired)

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:08): Further to my first supplementary question, is the minister aware of any alternative plans to prepare Australians for the digital economy?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:08): I would like to be able to give a very full answer but, unfortunately, those opposite have no plans for Australia's economic future—none whatsoever. They cannot even agree on their lines. In August last year the member for Wentworth said that under his plan:

… for the foreseeable future the NBN would be Government owned.

But just last week Mr Abbott said:

… not even the Chinese communists believe in a nationalised telecommunications monopoly such as the National Broadband Network!

Who is right: Mr Turnbull or Mr Abbott? They walk around telling the Australian and others: 'We speak all the time. We have to
clear each other's lines.’ Mr Turnbull has spent all his time accepting the accounting standards for where the NBN is classified. Mr Hockey says it is all a fiddle and a rort. Mr Turnbull has blogged that the accounting for the NBN is correct. *(Time expired)*

**Docetaxel**

Senator **IAN MACDONALD** (Queensland) (14:09): My question is a very serious one to the Minister representing the Minister for Health and Ageing relating to the treatment of cancer patients. I refer the minister to reports this morning that the government's failure to resolve a funding shortfall for chemotherapy will result in an increase in treatment costs of $100 per chemotherapy transfusion for cancer patients. Given that medical facilities will unlikely be able to pass on the increase in prices, does the government expect cancer patients to seek treatment in an already overcrowded public system that received a funding cut of $1.6 billion in the MYEFO, or does the government expect private centres to cough up an estimated $1 million in increased costs? Is this not just another Labor disaster in Health?

Senator **LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:10): I thank Senator Ian Macdonald for his question. Prices paid by cancer patients for PBS medicines are not affected by this price reduction. Pharmacists and hospitals cannot charge patients extra for PBS medicines; in fact, consumers benefit from cheaper drugs as government savings are used to subsidise new cancer drugs on the PBS.

Since 2007 price disclosure on cancer drugs has saved taxpayers around $118 million. What will occur on 1 December is that the price the government pays for the cancer drug docetaxel will drop by 70 per cent, bringing the price the government pays into line with the market price. For many years pharmacists have been charging the government 20 to 75 per cent above the market price. These inflated prices have meant that the government has paid, in some instances, $2,800 above the market price for this drug.

Since 2007 the government has committed $1.3 billion to fund 30 new or amended cancer treatments on the PBS. We are putting more money into cancer treatments. Treatment options for over 15 different cancers such as leukaemia, breast cancer, prostate cancer, bone cancer, lung cancer and bowel cancer have all been expanded under this government. Cancer drug patients pay no more than one PBS copayment for the first prescription dispensed, with no additional copayment for repeated prescriptions: in other words, a patient will pay either $5.80 or $35.40 for the first injection or infusion of the drug but not for the repeats. In some instances, the average monthly cancer treatment costs are over $5,000, so you can see there has been a lot of misinformation about it. *(Time expired)*

Senator **IAN MACDONALD** (Queensland) (14:12): Mr President, I ask a supplementary question. Is the minister's answer consistent with the health minister's press release of this morning saying she would look into that, accepting that there will be increases that are difficult for patients? Is the minister also aware that St Andrew's Toowoomba Hospital in our home state of Queensland will face increased costs of between $800,000 and $1 million, and has warned of the possible closure of its cancer clinic? Why is the government abandoning vulnerable cancer patients in its increasingly desperate bid to return the budget to a surplus?
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:13): There has been a lot of misinformation put out on this. I thought I covered, in my answer to the primary question, most of the information that was pertinently necessary to explain what had happened. We now have a range of people making a range of claims who need to realise the answer that I gave to the primary question still holds for the supplementary question.

To be clear, if you are asking how much cancer patients pay for their cancer drugs, the cancer drug patients pay no more than one PBS copayment for the first prescription dispensed, with no additional copayment for repeated prescriptions. A patient will pay $5.80 or $35.40 for the first injection or infusion of the drug but not for the repeats. There have been no budget cuts in this area. What there has been is an expansion—(Time expired)

Senator Boyce interjecting—

Senator IAN MACDONALD (Queensland) (14:14): Mr President, could I repeat Senator Boyce's interjection: what about the infusion costs? I also ask the minister a further supplementary question. Has he seen Ms Plibersek's press release which says that she will have a look at the cost of chemotherapy if prices are too high, acknowledging that the decisions of this government have caused that problem. Will the minister now concede that the government has no capacity to properly manage these sensitive health issues and will do anything to fill its $120 billion great big budget black hole in unfunded promises?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:15): I think there is a lot of misinformation being put into the public domain that patients' access to cancer treatment in the private sector is going to be reduced. That is not true. The Australian government meets the full cost of chemotherapy drugs supplied under the PBS. There are a range of separate clinical services that pharmacists provide in the treatment of cancer. These are not related to the supply of the PBS drug, but are separately funded through the hospital system. How these are funded is a matter for each individual hospital service. It is very important to separate out what the Commonwealth does. We have expanded the services in this area significantly. We have provided $1.3 billion to ensure improved cancer services. There has been no budget reduction in this area. What this government has done and continues to do—(Time expired)

Asylum Seekers

Senator HANSON-YOUNG (South Australia) (14:16): My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Lundy. The immigration minister has just announced that refugees who have arrived post 13 August—people who are found to be genuine refugees in need of protection—will be put on rolling bridging visas. These are effectively temporary protection visas with no family reunion, no work rights and no certainty; just like John Howard's temporary protection visas. How long will genuine refugees be kept in limbo?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:17): The Minister for Immigration and Citizenship has announced today that people who arrived by boat post 13 August and all future arrivals will have the no-advantage principle applied
to their cases onshore, even if they are not transferred offshore for regional processing. The minister has said that, given the number of people who had arrived by boat since 13 August, it would not be possible to transfer them all to Nauru or Manus Island in the immediate future. As a result, some of these people will have to be processed in the Australian community. The government has made it clear that these people who are processed in the Australian community will not be issued with a permanent protection visa if found to be a refugee, until such time that they would have been resettled in Australia after being processed in our region.

This affirms the government's policy that people arriving by boat will be subject to the no-advantage principle, whether that means being transferred offshore to have their claims processed, remaining in detention or being placed in the community. The minister has also announced that while transfers to Nauru and Manus Island will continue in the coming weeks and months, the Department of Immigration and Citizenship will begin releasing some people who have arrived by boat on or after 13 August into the community on bridging visas. Consistent with no advantage, people on bridging visas may at some point be eligible for a permanent visa, but they will not be subject to any advantage if they arrive through irregular means—that is the difference. We will continue to regularly transfer people to Nauru and Manus Island, and will continue to return people when they do not engage in Australia's international obligations. Indeed, there have been a number of removals since 13 August and well over 250 people have been returned involuntarily to Sri Lanka. Arrangements for irregular maritime arrivals who are already in the community on bridging visas, and for those who arrived before 13 August, remain unchanged.

Minister Bowen has also reiterated the government's commitment to putting in place the recommendations by the expert panel on asylum seekers and implementing a safer and more orderly migration program. No-one should doubt this government's commitment to breaking the people smuggler's business model. (Time expired)

**Senator HANSON-YOUNG** (South Australia) (14:19): Mr President, I ask a supplementary question. Can the minister confirm that these are indeed temporary protection visas, and why won't the government just call them what they are? Can the government please tell us how long people will be on these temporary protection visas? Does the government require legislation or regulation to pass through this chamber?

**Senator LUNDY** (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:19): I refute the premise of the senator's question. These are not temporary protection visas; they are bridging visas. Of course, people on bridging visas may at some point be eligible for a permanent visa, but they will not be subject to any advantage if they arrive through irregular means—that is the difference. We will continue to regularly transfer people to Nauru and Manus Island, and will continue to return people when they do not engage in Australia's international obligations. Indeed, there have been a number of removals since 13 August and well over 250 people have been returned involuntarily to Sri Lanka. Arrangements for irregular maritime arrivals who are already in the community on bridging visas, and for those who arrived before 13 August, remain unchanged.

*Senator HANSON-YOUNG* (South Australia) (14:20): Mr President, I ask a further supplementary question. The government have now adopted the coalition's Manus Island-Nauru policies, and now they have adopted the coalition's temporary protection visa policy. Can the government confirm whether they have also accepted the indefinite detention—or at least up to five years of detention—for children that they sent to Manus Island last night?
Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:21): The government is taking action recommended by the panel of experts. We have agreed in principle to implement all 22 recommendations of the expert panel on asylum seekers. This is how responsible governments develop policy, by listening to the advice of the experts. We know that temporary protection visas did not work in Australia, with the overwhelming majority of people on them ending up in Australia as permanent residents. That is hardly a deterrent. If the coalition is so sure of TPVs, then why did they reject an independent inquiry into their effectiveness?

In relation to children, the first transfer, as I mentioned, has taken place. Prior to transfer, individuals undergo an assessment of their circumstances to confirm that transfer is reasonably practicable. Appropriate arrangements have been put in place for children and families in regional processing centres, and we will have more to say on these arrangements for unaccompanied minors. (Time expired)

Asylum Seekers

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:22): My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Lundy. I refer the minister to comments by Mr Richard Britten, the Police Commissioner of Nauru, reported in the Fairfax press today indicating that the Nauruan authorities wished to pursue wilful damage and riot charges against two Iranian asylum seekers to answer for their alleged role in the riot at the processing centre which caused $25,000 worth of damage. Can the minister confirm that the Australian government agreed to the men's request to be voluntarily returned to Iran without having to answer for their alleged crimes? If that is so, why did the government do so?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:23): The minister has made arrangements for an interim joint advisory committee to play an initial oversight role for the Nauru centre as well as provide advice to both governments on the make-up of an independent and permanent oversight committee. This will be chaired by the Deputy Secretary, Dr Wendy Southern, and Nauru MP Mathew Batsua. The interim joint advisory committee includes member Paris Aristotle and the Minister's Council on Asylum Seekers in Detention members Professor Nicholas Procter, Associate Professor Mary Anne Kenny and Maryanne Loughry. Meanwhile, Mr Bowen said that preliminary entities for the processing of people in the Nauru centre will be continuing—

Senator Brandis: Mr President, I raise a point of order on relevance. I know the minister has got more than a minute to go, but what she has said so far in her answer has absolutely nothing whatsoever to do with the question I asked her.

Senator Jacinta Collins: On the point of order, Mr President, I am not sure that Senator Brandis was following the answer properly. I know he asked the question but the answer was dealing with the broader framework for dealing with issues of the nature that he has raised. The minister has described the framework for the oversight committee and just as Senator Brandis got up to make his point of order I did hear her say, 'Meanwhile, preliminary arrangements ...' and she was about to enter the detail of the question and the single case he was raising.
The PRESIDENT: There is one minute 18 remaining and I do draw the minister's attention to the question.

Senator LUNDY: Thank you, Mr President. As I was going to say, meanwhile the minister will begin preliminary interviews for processing people at the Nauru centre shortly. These issues all relate to the operation of the Nauru centre. Can I say to Senator Brandis that in relation to the explicit matter he has asked about I would need to get additional information because I do not have any specific brief on the matter. I am very happy to do that and in the meantime, as you can hear, our work is progressing very well on Nauru. We will, of course, continue to make transfers to Nauru and to Manus Island starting today. In this way we persist with our commitment to honouring the independent advice of the expert panel and implementing the 22 recommendations. What is unfortunate is that the opposition fail to grasp the seriousness of this issue and continue to play politics with it, to their discredit. This is a challenging issue. We are committed to smashing the people smugglers' model and it is a great shame that the opposition do not share our concern and our commitment to this serious task.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:26): I thank the minister for agreeing to take on notice a question which she was not in a position to answer. A supplementary question, Mr President. Just as Captain Emad was allowed to flee this country by the government without answering for his crimes, why is the Labor government now allowing alleged criminals to flee other jurisdictions without facing justice in those other jurisdictions?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:28): What I can say is that the government will abide by the law and apply due process. That is the only appropriate answer to this question. Again I point to the coalition
consistently trying to play politics with the asylum seeker issue. We have a record of government applying process, unlike the opposition, who when they were in government used continued political interference in relation to dealing with these matters and brought the government into disrepute at an international scale. In contrast, we will persist in applying the recommendations by the independent expert panel. We call consistently on the coalition to support our approach to the Malaysia arrangement and point to their negligence in not following through the expert panel recommendations and supporting the Malaysia arrangement, which would help solve this problem.

Middle East

Senator STEPHENS (New South Wales) (14:29): My question today is to the Minister for Foreign Affairs, Senator Bob Carr, and follows on from my question yesterday. Knowing the concerns of all senators here about the crisis in Gaza, can the minister provide an update to the Senate on the recent diplomatic efforts to address the crisis?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:29): This week the President of Egypt, President Morsi, intervened to help broker a ceasefire. Egypt is continuing discussions with both sides and we fully support its efforts. The intervention of the President is a reassertion of Egypt's regional leadership and is to be welcomed in general and, in this case, in particular. On November 19, European Union foreign ministers met in Brussels. The ministers condemned the rocket attacks on Israel and called for an urgent end to hostilities. The EU High Representative Catherine Ashton said: …attacks must end immediately, or even more innocent civilians will suffer.

We are calling for urgent de-escalation and cessation of hostilities. In this respect we support the mediation efforts of Egypt and other parties. Yesterday UN Secretary-General Ban Ki-moon met Israeli PM Netanyahu in Jerusalem and urged both sides to reach an immediate ceasefire. He said:

Further escalation would be dangerous and tragic for Palestinians and Israelis, and would put the entire region at risk.

Yesterday, the Secretary-General of the league of Arab states, al-Arabi, and a delegation of 10 Arab League foreign ministers arrived in Gaza for talks. Yesterday in New York, the UN Security Council met in a closed-door session and will reconvene soon pending the outcome of ceasefire discussions. Today, US Secretary of State Hillary Clinton met with the Israeli leadership in Jerusalem and Secretary Clinton said:

The goal must be a durable outcome that promotes regional stability and advances the security and legitimate aspirations of Israelis and Palestinians alike.

The secretary will later meet President Abbas in Ramallah before travelling on to Cairo. Talk of a possible ceasefire has intensified in the last 24 hours. (Time expired)

Senator STEPHENS (New South Wales) (14:31): Mr President, I ask a supplementary question. I thank the minister for that update. Can the minister advise how the Australian government is responding to the crisis?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:32): The Australian government is gravely concerned by the crisis in Gaza and prospects for a further escalation in violence. Australia condemns the repeated rocket and mortar attacks on Israel from the Gaza Strip and calls for them to end immediately.
An opposition senator: That's not what you said before.

Senator BOB CARR: I have said that every day I have spoken on this matter—every day, without exception. We recognise Israel's right to defend itself, like that of any country subject to attack. Any response by Israel needs to be proportionate and not lead to civilian casualties. We have on more than a dozen occasions called on both sides to exercise restraint. We call for any public demonstrations or rallies in Australia to be peaceful and not to target private businesses or individuals. The Australian government supports a two-state solution to the Israel-Palestine conflict—a solution based on the right of Israel to live in peace within secure borders and reflecting the legitimate aspirations of the Palestinian people to also live in peace—(Time expired)

Senator STEPHENS (New South Wales) (14:33): Mr President, I ask a further supplementary question. I thank the minister for that particular perspective, but I ask now if the minister can outline how the Australian government's approach is supporting international efforts to de-escalate the conflict?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:33): Events obviously are moving very close, as I think I indicated in the opening paragraphs of my first answer. A range of international efforts to resolve the crisis are underway. We hope that when we wake up tomorrow morning it is to news that a ceasefire has been arrived at overnight. The government holds the view that complex foreign policy ought not to be expressed through competing parliamentary motions. The best way for the Senate to express concern for the lives of Israelis and Palestinians is through a motion supported by all senators. The best way for the Senate to express support for international efforts to resolve the crisis is through a motion supported by all senators. For these reasons, the government will introduce to the Senate a motion that acknowledges the full complexity of this crisis and support all efforts to de-escalate the conflict. It will reflect the principles I enunciated in the first part of my answer to Senator Stephens this afternoon.

Marine Sanctuaries

Senator BOSWELL (Queensland) (14:34): My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy. I refer to reports that the environment minister's decision to declare more than 2.3 million square kilometres of Australian waters as marine parks will potentially put Australia's largest aquarium supplier Cairns Marine out of business. What compensation is the government prepared to offer to the 30 people employed directly by Cairns Marine and many others directly or indirectly employed by allied businesses that are now at risk of losing their jobs as a result of the government's decision to declare the world's largest network of marine parks?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:35): I thank the senator for his question. The government will be providing up to $20 million to support a number of sectoral measures projects designed to assist the fishing industry to adapt to large-scale Commonwealth marine reserves. Funding will be focused on large grants of $200,000 to $2 million for projects to be delivered from 2014 to 2016. Eligibility and selection criteria for sectoral
measures projects will be developed in consultation with industry organisations, fisheries managers and relevant research institutions. Entitlement buyouts will be undertaken to avoid the unsustainable concentration of commercial fishing outside of the reserve areas. The need for, and the level of, effort reduction—entitlement buyouts—will be assessed on a fishery-by-fishery basis. The relevant fisheries management agency, industry organisations and other experts will be consulted before decisions on entitlement buyouts are made. It is not surprising that, as we approach the end of what has been an extensive and lengthy process of consultation, various groups feel the need to emphasise their views through vigorous public campaigns. The sort of misleading of the Australian public that those opposite, and particularly Senator Boswell, have been engaged in is quite frankly laughable. It is simply misleading the Australian public. Petitions, rallies and email campaigns are a valid way of telling the government what people think, unless they are based on misinformation and outright lies about the government’s marine reserves proposals. Some of those opposite are going very close to what I have just said.

It is worth noting that, despite these campaigns, the public and informed scientific response to the marine reserves has been overwhelmingly—(Time expired)

Senator BOSWELL (Queensland) (14:37): Mr President, I ask a supplementary question. I refer the minister to statements last week by the owner of Cairns Marine, Mr Lyall Squire, who said:
We have grave fears for our survival, worse, this is not about science …
Can the minister explain what specific threat this successful business, which exports species such as clownfish, sharks and rays, presents to the Coral Sea? Why will its access to Osprey and Shark reefs be soon taken away? Is this all about Green preferences and pandering to the American Pew foundation, who demanded to lock up the Coral Sea?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:38): It is good to see Senator Boswell likes to stick with a good conspiracy theory. The sort of private member’s bill which we have seen moved from the other side to prevent the establishment of the marine reserves is the latest example of the type of fear based misinformation campaign being mounted against legitimate and considered conservation and environment protection measures. In this case, those opposite are even prepared to seek to undo a legal process that they themselves created and used when in government. Perhaps Senator Boswell did not notice. The minister and the department have consulted with Cairns Marine and will continue to do so. Those opposite should desist from misleading the Australian public.

Senator BOSWELL (Queensland) (14:39): Mr President, I ask a further supplementary question. Is the minister aware that the Coral Sea marine reserve will force other commercial operators to close their doors and that AFMA cost recovery fees for the area of $270,000 will soon be borne by as few as three operators? Has the government given consideration that the increase in the financial burden for the remaining operators, who face fees potentially as high as $90,000, coupled with restricted access to the Coral Sea, will result in them simply becoming unviable and will force them to shut down?
Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:39): I thank Senator Boswell for raising some factual issues rather than alluding to conspiracies from all around the world. As I already indicated in an earlier answer, the government have a package, they are talking to the sector and they are working through the guidelines and the processes. We will take on board the legitimate points that Senator Boswell has raised and consider them. But, as to the conspiracy about some American organisation, if Clive Palmer were a member I could understand why you would be particularly concerned. Clive Palmer has been very clear about what he thinks of the Liberal-National Party, but do not worry: the only person in the Queensland Liberal-National Party who he thinks is a good bloke is Senator Brandis.

Senator Brandis: Mr President, I rise on a point of order going to direct relevance. Mr Clive Palmer has absolutely nothing to do with the question that Senator Boswell asked.

The PRESIDENT (14:41): There is no point of order.

Senator Brandis: Mr President, for clarification: did I mishear you or did you say there was no point of order—

The PRESIDENT (14:41): I said there was no point of order.

Senator Brandis: that Mr Clive Palmer is somehow relevant to the question about fishing that Senator Boswell asked?

The PRESIDENT (14:41): I am not saying Mr Palmer is relevant at all. I am just saying there is no point of order at this stage. The minister has 14 seconds remaining.

Senator CONROY: As I said, we will take on board the points that Senator Boswell has raised. We will not take on board his conspiracy theories or Clive Palmer's conspiracy theories or Clive Palmer's support and adulation for Senator Brandis. (Time expired)

Docetaxel

Senator XENOPHON (South Australia) (14:42): My question is to Minister Ludwig, representing the Minister for Health. Further to Senator Macdonald's line of questions in relation to the chemotherapy drug docetaxel, does the minister acknowledge that the Cancer Council of Australia, the Australian Lung Foundation, the Society of Hospital Pharmacists of Australia, the Private Cancer Physicians of Australia, the community pharmacy sector, National Seniors Australia and CanSpeak, the peak advocacy body for cancer sufferers, have all combined to condemn the proposed 1 December changes on the basis that it could, (1) compromise the safety of patients; (2) result in undue cost to patients and their families; and (3) adversely affect access to equitable and timely treatment? Does the minister consider that all these groups have got it wrong?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:43): I thank Senator Xenophon for his question. As I said in answer to Senator Macdonald, on 1 December the price the government pays for the cancer drug docetaxel will drop by 70 per cent, bringing the price the government pays into line with the market price. For many years, pharmacists have been charging the government 20 to 75 per cent—

Senator Xenophon: Mr President, I rise on a point of order. The minister is not being relevant. He has previously attempted to answer Senator MacDonald's question. The
issue is: how will it affect cancer patients and their families? He is not addressing that fundamental issue.

**The President** (14:43): The minister has been going for 25 seconds. The minister has one minute and 35 seconds remaining. I draw the minister's attention to the question.

**Senator Ludwig:** As I was saying, pharmacists have been charging the government 20 to 75 per cent above the market price. These inflated prices have meant that the government has paid, in some instances, $2,800 above the market price of this drug. There has been no change to the budget. I am aware that some private hospitals and pharmacists are concerned that the docetaxel price reduction may impact on the viability of providing chemotherapy drugs in some pharmacy settings. Price disclosure for chemotherapy drugs is not new. It has been in place since 2007, and pharmacies have been aware of the likelihood of price reductions for these drugs for several years.

It was the now opposition that put the scheme in place in 2007. It is important, though, to recognise that the PBS pays for the cost of the medicine and that the clinical services pharmacists provide in this sector are supported through the funding arrangements with the hospitals. So there are two parts to this: one is the PBS and the other is the funding that is provided with arrangements with the hospitals. Therefore, as this relates to pharmacy-dispensing remuneration, having encouraged the use of—

**Senator Xenophon:** Mr President, I rise on a point of order on relevance. I asked the minister specifically whether he considers that a number of peak groups including the voice of cancer sufferers in this country are wrong in their concerns. Does he consider that they are wrong in their concerns or not?

**Senator Chris Evans:** Senator, what has been missed is that there is an Efficient Funding of Chemotherapy measure in place. In December 2011 it was put in place in consultation with the Pharmacy Guild. The government introduced the Efficient Funding of Chemotherapy measure to improve—

(Time expired)

**Senator Xenophon** (South Australia) (14:46): Mr President, I ask a supplementary question. Today's *Australian* newspaper quotes a health department spokesperson as saying:

… I have encouraged the (Pharmacy) Guild to provide specific examples to my department of where the current dispensing fee structure may
not meet the cost of providing the dispensing service.

Minister, has not the government in fact been warned about this impending problem since 2009 by key stakeholders, including pharmacists? And will the minister provide on notice details of the dates and content of such communications?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:47): I thank Senator Xenophon for his question. If there are parts that I have not dealt with in my reply, of course I will always take them on notice and see if the Minister for Health wants to add any information.

The department is in discussion with a broad range of stakeholders, including pharmacists, the Pharmacy Guild of Australia, consumers, medical oncologist groups, prescribers, representatives from the public and private hospital sector and reconstitution services. The focus of these discussions is on a sustainable way forward for all stakeholders, with a primary focus on the needs of the patient. I think that sometimes we get very lost in this; this is about ensuring that. This government— and you can look up the record—increased the availability for $1.3 billion to assist cancer sufferers. It is about ensuring—

Senator Joyce: Mr President, I rise on a point of order on relevance. I listened to Senator Xenophon's question, and he asked if documents would be tabled with regard to correspondence. I do not think that is very difficult; he is either going to table them or not, but the rest is kind of prattle.

Senator Chris Evans: Mr President, on the point of order: Senator Joyce may want to join the bandwagon, but he clearly did not listen to what the minister said. The minister said that, if there are any parts of the question asked of him that he has not got advice on, he will take those on notice and get information from the relevant minister. As the representative minister he took on that responsibility when he started to answer the question. There is no point of order, and perhaps if people just calmed down and listened to a factual explanation of what is occurring here everyone might have a better understanding.

The PRESIDENT: Order! I believe that the minister is answering the question. The minister has six seconds remaining.

Senator LUDWIG: It goes again to this issue that the Australian government pays the full cost of cancer drugs. (Time expired)

Senator XENOPHON (South Australia) (14:49): Mr President, I ask a further supplementary question. Given the minister's response, and given the discussions that the government is currently engaged in, will there at least be a deferral of the 1 December decision?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:49): That would be a matter for the Minister for Health to make a decision on. What I can say quite clearly is that these measures have been in place and have been in discussion for quite some time leading up to 1 December. If you look at the issues that have come through from that, the minister herself has indicated, again, that the government is determined that cancer patients will not miss out. This is what she said in her press release today:

If there is any evidence that the cost of delivering vital chemotherapy services needs to be looked at, the government is happy to do so.

It is very important that we ensure that we continue to focus on the patient, to make sure that the patient is receiving the services that are appropriate to them.
If you look at the issue, again, the Australian government does pay the full cost of cancer drugs despite— *(Time expired)*

**Economy**

**Senator BACK** (Western Australia—Deputy Opposition Whip in the Senate) (14:50): My question is to the Minister representing the Prime Minister, Senator Evans. I refer the minister to a recent briefing he and Minister Combet received from the government's Industry Update Unit, which reported that a near-record number of companies are struggling in the wake of the global financial crisis and poor economic recovery in the domestic economy.

Given that the cash splash in December 2009 yielded a net stimulus value of $1.50 per person to the economy for the $900 expended, that the accumulated deficit of the last four years now exceeds $150 billion and that the nation's debt exceeds $250 billion, can the minister enlighten the Senate on what strategies the government currently has in place to stimulate the domestic economy and to provide some hope to those 800-plus companies reported to be in financial trouble?

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:51): I thank the senator for the question, though it seemed a little on the confused side. If his question is, 'What are we doing to stimulate the domestic economy?' I would suggest to him that he have a look at the facts. The reality is that we have, if not the most, one of the top-performing economies in the world. Our domestic economy, despite the structural change that is occurring, is very strong. We have very low unemployment compared to any other of the comparable OECD countries or modern industrialised countries. We have strong growth. We have a pipeline of mining and other investment in this country that is at record levels. So there is a lot about the domestic economy in this country that is very, very strong. You have seen that with reduced interest rates, low unemployment and economic growth. All of those factors and all the international reports point to a very strong domestic economy.

It is the case that there is restructuring occurring in that economy. That is driven by the high price of the Australian dollar, and the changes that are occurring in manufacturing are being driven largely by that. But there are technological and other changes occurring in the economy that is seeing that structural adjustment, and, unfortunately, we have seen a large number of job losses in various industries.

But it is also true that new jobs are being created. We have record numbers of new jobs being created. People are being moved, if you like, through the way the market works into industries that are expanding, including in areas like mining and related services in our own state of Western Australia, Senator Back. On any analysis, our domestic economy is performing very well, certainly when compared to like countries, and I do not understand the suggestion that seems to be implicit in the question.

**Senator BACK** (Western Australia—Deputy Opposition Whip in the Senate) (14:53): Mr President, I ask a supplementary question. Many of the struggling companies in the Industry Update Unit's report to the minister have indicated increased competition from cheap overseas imports and their own uncompetitiveness overseas in our export markets, especially Asia, as key reasons for their dire circumstances. I ask the minister: how did the government not see this coming when most credible commentators warned of its inevitability?
Why did the government introduce a carbon tax, imposing a 10 per cent burden on our own companies in that circumstance?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:54): I think the question asked me why we did not see an increase in international competition and why we are not re-regulating the dollar. I think that is the impact of the question. We actually floated the dollar, Senator, and as I recall, at the time when there were liberals running the Liberal Party, you actually supported that. I know that you have connections with the bush, but I do not know why you suddenly have become a National. We believe that deregulating the dollar has been a good thing for this country. We think that overall it is delivering a strong economic benefit to this country. Yes, there are a range of manufacturing industries doing it tough in highly competitive environments.

Senator Back: Mr President, on a point of order on relevance, the value of the Australian dollar was at no time mentioned in the question. If the minister requires some assistance with the answer, I would be very, very happy to assist him. Would he direct himself to the question that I asked him and not to areas which were not the subject of the question?

The PRESIDENT: There is no point of order. Senator Evans, continue.

Senator CHRIS EVANS: While not directly in my portfolio, I think I know enough to know that, if the value of the dollar has increased substantially, that has a huge impact on anyone seeking to sell into overseas markets. I think the appreciation is about 40 per cent in the last couple of years, isn’t it, Senator Wong?

Senator Wong: Over.

Senator CHRIS EVANS: Over 40 per cent. Clearly, it is a nonsense to suggest that is not a major factor.

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (14:56): Mr President, I ask another supplementary question. Now that the government has spent the Costello surplus—and maxed out the credit card on debt; milked superannuation funds, Medicare Private, and the Future Fund; and decimated the Defence budget—I ask the minister: what brilliant strategies does this economic powerhouse of a government have up its sleeve to save jobs, rescue companies that are failing and restore some confidence of Australians in our country?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:56): I do not know where to start other than to say that, clearly, the tactics committee of the opposition has been in recess this week, because we have had a very odd week. For the benefit of the senator, I remind him that if he reads the OECD reports, the IMF reports, the World Bank reports, they constantly provide advice that our economy is among the best performing in the world, that our unemployment is among the lowest, that our growth is among the strongest, that our economy is 11 per cent larger than it was when Labor came into office. So the sort of nonsense contained in the question has no relevance to the reality of Australia. We have a strong domestic economy but one that is in transition, that is buffeted by world conditions and the appreciation of the dollar. Many countries in the world would absolutely give up a lot to be in the same economic position we are. (Time expired)
Anti-discrimination Legislation

Senator McEWEN (South Australia—Government Whip in the Senate) (14:57): My question is to the Minister representing the Minister for Small Business, Senator Lundy. Can the minister state whether the claims reported in the Australian newspaper today, suggesting that the proposed streamlining of anti-discrimination laws will adversely affect industry, especially small business, are justified?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:58): In short, the answer to the senator's question is no. The proposed consolidation of the five anti-discrimination acts into a single act will deliver clearer and simpler legislation that will be easier to understand and comply with, delivering regulatory benefits to business. The consolidated act increases certainty and reduces cost to business by addressing gaps, removing inconsistencies, reducing complexity and streamlining the complaints process.

The consolidated act also replaces two separate tests for discrimination with a simpler single test that is similar to what currently operates in state and territory legislation. Instead of the legalistic approach to defining discrimination in the existing acts, the consolidated law will take a principles based approach, making the law easier to understand, apply and comply with. For example, under the existing acts, defining discrimination requires the construction of a hypothetical comparator to determine whether discrimination has occurred. In the consolidated act this will be replaced by a simple definition for discrimination, incorporating unfavourable treatment based on an attribute or conduct.

Under the consolidated act, the Australian Human Rights Commission will have greater scope to dismiss unmeritorious complaints at an early stage. The new, consolidated act incorporates a shifting burden of proof, which will move from the complainant to the respondent only after a prima facie case has been established. This will limit the number of unmeritorious claims made, as complainants must first prove that a case exists before the burden of proof shifts to the respondent.

Senator McEWEN (South Australia—Government Whip in the Senate) (15:00): I thank the minister for her answer and I ask a supplementary question. How will the government assist business to understand and comply with the new act?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (15:00): I thank the senator for the supplementary question. Consolidating Commonwealth anti-discrimination laws into a single act will make it easier for business to find out what their obligations are and how they should comply with them. The consolidated act includes measures designed to provide certainty and assist business to understand their obligations. Certainty will be increased by the creation of a co-regulatory environment through which the commission can certify codes or other relevant standards developed by industries or businesses. If a business complies with their certified codes or standards they will have a complete defence against a complaint of discrimination. The commission will provide greater support and guidance to business in complying with the consolidated law by offering its expertise to review or audit business policy and practices. This is terrific support, and it is support that was not available previously.
Senator McEWEN (South Australia—Government Whip in the Senate) (15:01): Mr President, I ask a further supplementary question. Can the minister update the Senate on what the government is doing to support small business and what threats exist to business confidence?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (15:01): Thank you for the second supplementary question, Senator McEwen. The simplification of anti-discrimination laws is very sensitive to the circumstance of small business and reflects other initiatives implemented by the government to support the small businesses of Australia. Small businesses, as I am sure everybody is aware, are unable to write off new assets costing less than $6,500 and the first $5,000 on the company car or ute. Incorporated businesses are now able to carry back losses so they can get a refund of up to $300,000 against tax paid in the previous year.

The threats to small business confidence come in no small part from the opposition, which is doing everything it can to talk down business confidence in the face of the economic indicators. Just recently the shadow finance minister confirmed that the Liberal opposition would scrap the instant asset write-off and the loss carry-back for small business. (Time expired)

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

STATMENTS

Convention against Corruption

Senator FIERRAVANTI-WELLS (New South Wales) (15:03): Mr Deputy President, yesterday I referred to an exchange in the New South Wales parliament on 9 September 1999. I attributed some comments to Mr Carr and asserted that he had made some patronising comments regarding the then Leader of the Opposition, Mrs Chikarovski. That was not correct and I withdraw the comments.

QUESTIONS WITHOUT NOTICE:

TAKE NOTE OF ANSWERS

New South Wales Government

Senator IAN MACDONALD (Queensland) (15:04): I move:

The Senate take note of the answer given by the Minister for Foreign Affairs (Senator Bob Carr) to a question without notice asked by Senator Fierravanti-Wells today relating to corruption and foreign bribery.

In doing that, I note that Senator Carr was asked yesterday and today to deny that the state government he led was corrupt and that it took all of six questions for Senator Carr to get around to actually saying that the government he led in New South Wales was not corrupt. That in itself raises some questions, as do Senator Carr's very short, curt and, if I might say, embarrassed answers to questions raised of him today. He took the coward's way out in the first two questions simply by saying that they were not relevant to him.

Senator Sterle: You are a grub.

Senator IAN MACDONALD: Why—do you disagree, Senator Sterle, with my description of the response to—

Senator Brandis: Mr Deputy President, I rise on a point of order. Senator Sterle should be required to withdraw that unparliamentary interjection to Senator Macdonald.

The DEPUTY PRESIDENT: Thank you, Senator Brandis. I was about to ask Senator Macdonald if he would withdraw his remark about Senator Carr and Senator Sterle if he would withdraw his remark about Senator Macdonald.
Senator IAN MACDONALD: I am not quite sure what remark it was, but I withdraw whatever it was that was offensive.

The DEPUTY PRESIDENT: Thank you, Senator Macdonald. Senator Sterle, would you do the same thing.

Senator Sterle: Mr Deputy President, I am honoured to withdraw that remark.

Senator IAN MACDONALD: I return to the point I was making. Senator Carr's answers today showed lack of courage in any response to the questions asked of him. He took the easy way out of saying they were not related to him when, quite clearly, the question was how Senator Carr can lecture other countries about lack of corruption when it is suggested that he presided over a state government which is now being demonstrated to have been very, very corrupt.

I might take this opportunity while I have the floor on this issue to remind people who might be listening that while my name is Ian Macdonald and while I was some years ago a minister in the federal government, I am not the minister Ian Macdonald currently being referred to in the ICAC inquiry. Some of the allegations coming out in the ICAC inquiry—and I acknowledge that so far no one has been convicted of anything—are such that I think the most uneducated observer would have to be concerned at the relationship between my namesake Mr Ian Macdonald, then the minister for mines, and Mr Eddie Obeid, whose family ended up with quite lucrative pieces of land following some decisions by my namesake Mr Macdonald on coal leases.

Why the question was asked of Senator Carr today was that the people who are featuring prominently in the ICAC inquiry were all ministers who were there when Senator Carr was the Premier of that state and the leader of the Labor Party. It was Senator Carr who promoted people like Mr Obeid and my namesake Mr Macdonald. I have to say that I met my namesake Ian Macdonald once or twice and he seemed to me to be quite a nice guy. I have to say also that I thought that about Bob Collins when he was a senator in this place and I thought that about Mr Gordon Nuttall, who I had a couple of dealings with when we were both ministers, I federally and he in the Queensland government.

Senator Di Natale: You're obviously not a good judge of character!

Senator IAN MACDONALD: Yes, you are quite right: I am not a good judge of character because I was quite easily fooled. Clearly, Senator Carr is also not a very good judge of character because, Senator Di Natale, Senator Bob Carr promoted these people in his government and put them in positions where the sorts of things that we read about in the paper at the present time were allowed to happen. So the question that is raised is: how can Senator Carr go round lecturing Third World countries about corruption and decency in government when those that he lectures only have to look back and see the type of government that he led?

Senator STERLE (Western Australia) (15:10): I would like to contribute to the debate, but before I do I want to say that it is highly contentious for Senator Macdonald to throw those aspersions across at Foreign Minister Carr, who had a fantastic record as the leader of a very successful government in New South Wales.

Senator Brandis: Pity it was corrupt—more corrupt than the Rum Corps, according to ICAC.

Senator STERLE: It is very easy for mischievous senators to cast aspersions upon a great leader and, not only that, a very successful foreign minister.
Senator Ian Macdonald: So none of this happened under Carr?

The DEPUTY PRESIDENT: Order on my left!

Senator STERLE: Mr Deputy President, I wonder if Senator Macdonald and those over on that side would be brave enough to throw those accusations at business leaders. There are some fantastic and successful business leaders who, under their regimes, run very successful companies. But if there is a change of personnel at the top and something is not right or is illegal in that business, do you go back and blame the previous general manager or the previous CEO? It is absolutely ridiculous.

I take offence when Senator Macdonald, who always goes the low road, revels in mud. Senator Macdonald loves to throw aspersions across the chamber at people's reputations, but he should be very careful because I remember the formative years of the Howard government when a number of ministers were removed. I do not know if you were here at the time, Senator Macdonald. I remember that when I came in you were a minister, but you did not last long—you got thrown out on your ear. That is another story, but I am happy to talk about that. It was quite hilarious, actually: the removal of Senator Macdonald with some of the incompetents on that side of the chamber. He was the only one that copped the axe between the eyes. But, Mr Deputy President, there is absolutely no credibility in throwing that. I think Senator Carr has the right to stand on his merits.

Senator Ian Macdonald: I was a minister for nine years; you'll be a minister for no years.

The DEPUTY PRESIDENT: Order on my left!

Senator STERLE: It is pretty brave to say things in here, Senator Macdonald. Take 30 steps out there and make the same accusations.

The DEPUTY PRESIDENT: To the chair, Senator Sterle!

Senator STERLE: I am happy to take 30 steps out there and tell everyone how incompetent Senator Macdonald was as a minister when we had the issue of the Indonesian fishing expeditions and the trochus shell.

Senator Brandis: Mr Deputy President, I raise a point of order. I am well aware of the latitude you allow in these debates, but might I point out to you that the motion moved by Senator Macdonald was that the Senate take note of the answer given by Senator Bob Carr to the question asked of him by Senator Fierravanti-Wells. A personal attack on Senator Ian Macdonald's very distinguished record of public service does not bear in any way upon the motion before the chair.

The DEPUTY PRESIDENT: Thank you, Senator Brandis. Senator Sterle has been referring to the motion and he had returned to the subject at hand. I do draw his attention to the nature of the motion. Senator Sterle, you have the call.

Senator STERLE: Thank you, Mr Deputy President. The Australian government has been very active in a number of regional and international forums and initiatives addressing corruption. With your indulgence, Mr Deputy President, I will name a couple of the initiatives and forums that the government is heavily involved in in our region: the United Nations Convention against Corruption, ratified by Australia on 7 December 2005, and the United Nations Convention against Transnational Organized Crime, ratified by Australia on 27 May 2004. Foreign Minister Carr is very active in implementing these forums and initiatives. He makes a fantastic contribution and is a tremendous representative for the Australian
Another one is the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

No-one in this chamber—from this side especially—would ever, ever endorse or condone corruption. There is absolutely no argument. We have a number of initiatives. I remember in Western Australia we—

Senator Brandis: What?

Senator Ian Macdonald: What about the HSU? What about Craig Thomson?

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

Senator STERLE: Thank you, Mr Deputy President. Under the leadership of the Gallop government, the Corruption and Crime Commission was introduced in Western Australia. It does not mean that there are not a heap of frivolous cases taken there. I note that there have been a number of frivolous cases—I will say 'frivolous', because it has just tied up so much taxpayer money—where accusations have been made, people's reputations have been trashed and there have been no charges. But for the opposition to sit there in question time and try and accuse Senator Carr of being somehow engaged in inappropriate behaviour is nothing short of diabolical. Through you, Mr Deputy President, I reiterate this: if you have something to say on that side, take 30 brave steps to your right and say it outside the chamber. Senator Macdonald will not say it. He is protected in here. I still will not retract mine: he was removed as the minister, so he was not even that good then. (Time expired)

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:16): What a load of bollocks we have just heard there! In question time today, Senator Bob Carr once again sought to deflect his responsibility as Minister for Foreign Affairs—firstly when he suggested that the question in relation to corruption and upholding those standards had nothing to do with his portfolio. That clearly demonstrates what page the minister is on. In my mind, actions speak much louder than words, and no amount of the rhetorical flourishes and theatrical histrionics that we get from this foreign minister day in and day out makes a dot of difference. It does not compensate for the disgraceful cover-up that we have seen in New South Wales, and I have to say that he has not assured us of his position in relation to the abuse and the awful shenanigans that have taken place in New South Wales and that he was very much part and parcel of. The union movement are part and parcel of it, and not only have they permeated the Labor government but we know they control its agenda. In relation to the scandal and corruption that have been revealed for a long time now in New South Wales, where Labor politicians have paid and continue to pay homage to the likes of Eddie Obeid and Ian Macdonald—individuals that are and have been closely associated with the former Premier of New South Wales, now the foreign minister, Senator Carr—the senator's denials just do not stack up. My advice to the senator is simple, and that is that no-one believes you.

I hate to say, though, that the incidence of behind-the-scenes corruption in New South Wales is endemic and is linked to a wider pervasive corrupt situation across the union movement across the nation. Indeed, there are a plethora of Labor politicians here in Canberra that are here by virtue of the patronage of the union movement. In my home state of Victoria—in my patron seat of Deakin, I have to say—we have another example of this invidious patronage and the activities that they have covered up with their involvement in the union movement. The case in point is Mike Symon, the
member for Deakin. When he was the Labor candidate for Deakin back in 2007, Mike Symon was a field officer for an organisation called Protect, which was described as an ETU scam which ripped off employers and channelled money into secret union trust funds.

Senator Carol Brown: Mr Deputy President, on a point of order: I understand there is wide latitude given in taking note debates, but I really do not see how Senator Kroger can talk about the seat of Deakin in her contribution on the answers given by Senator Bob Carr here in question time today to questions asked by Senator Fierravanti-Wells.

The DEPUTY PRESIDENT: Thank you, Senator Brown. Senator Kroger, I do draw your attention to the matter that we are discussing in motions to take note of answers. Senator Kroger, you have the call.

Senator KROGER: Thanks, Mr Deputy President. It has direct relevance because what we were seeking is an assurance that the foreign minister was complying with the principles of the convention in how he applied that on the basis of his approach domestically, here in Australia, to the international convention and international transactions. Here is yet another example of where that compliance has been neither sought nor assured. So we have a situation where we have a senator on the other side of the chamber, Gavin Marshall, who was a trustee of the ETU trust fund that channelled money away from insurance premiums that were increased by 30 per cent into a separate trust fund that Mike Symon, the then candidate for Deakin, was the bag collector for. He was the bag collector, and that is what the Labor government have supported. These people are promoted and preselected, and they sit on the opposite side of the chamber.

The Cole royal commission looked into this. They do not want to deal with this, but the Cole royal commission looked into this, and I quote from it. It said, 'Unknown to the employers who contributed to the premiums in this trust fund, a private arrangement was made whereby large sums were paid by a company to the ETU as commission.' A trustee of that was one Senator Gavin Marshall, and the debt collector there was one Mike Symon. (Time expired)

Senator THORP (Tasmania) (15:21): Sometimes it becomes very apparent to me that I have only been in this place for a very short time, because after I saw the front page of the Australian today, with its commonly alarmist headline around the changes to the PBS payments in relation to cancer treatments, I would have thought that that would be something that the members opposite would be interested in.

I thought they would see the alarm and I was correct. There were two questions asked on that issue. It was disappointing that the level of research gone into by those asking the questions was simply that of reading the front page of the Australian, which we all know is so full of facts, I say with a slightly ironic and sarcastic tone. I was hoping when I knew that I was taking note that there would be decent discussion about that issue and I would get the opportunity to put some actual facts on the table about the reports that a cut to the subsidy—

Senator Brandis: Mr Deputy President, in taking a point of order, might I remind you that, although the test of relevance in this debate is not direct relevance but the general test of relevance, relevance does mean something. It means that what the senator has to say has to have something to do with the question before the chair. The question before the chair is that the Senate take note of the question about the corruption
of the New South Wales government under Senator Bob Carr's premiership and nothing else.

The DEPUTY PRESIDENT: Thank you, Senator Brandis. Senator Thorp, I was giving you a bit of latitude for one minute to lead into the topic. I trust you are leading into the topic now.

Senator THORP: Let me absolutely assure you, Mr Deputy President, that my answer will be far more relevant than the one I was subjected to from the member opposite recently. The nature of the motion that we are debating here today goes to the heart of some of the reasons the Australian public is losing heart in its politicians because, rather than using the opportunity to discuss things that may be of real concern to people—like fallacious reports in that cheap rag the Australian that try and frighten cancer sufferers all over the country—we have to use this important time in this place to not only attack the foreign minister of our country in a public forum like this but also go on to attack other individuals who have no opportunity to defend themselves against these claims. No wonder the Australian people—

Senator Ryan interjecting—

Senator Crossin interjecting—

The DEPUTY PRESIDENT: Order! Senators on my right and left, I ask you to come to order. Senator Thorp, you have the call.

Senator THORP: Thank you, Mr Deputy President. The only way I can describe it is as extraordinarily mean spirited to constantly be on the attack about individuals rather than policies. We are supposed to be here discussing and debating the policies that directly affect the lives of all Australians.

Senator Brandis: Mr Deputy President, I have a point of order on relevance. We are halfway through the time allotted to the senator. The senator has not yet addressed any aspect of the question before the chair. She has criticised the opposition for moving the question before the chair, because she considers that other questions are more important, but she has not addressed the question before the chair. Perhaps she is embarrassed to represent in this chamber a political party substantial sections of which are controlled by white-collar criminals. Whatever her motive is, she has to be drawn to the question.

The DEPUTY PRESIDENT: Senator Thorp, you have referred to Minister Carr. You have been broadly relevant, and I just draw your attention again to the matter.

Senator Crossin interjecting—

The DEPUTY PRESIDENT: Senator Crossin, I am ruling in favour of your senator. Would you mind being quiet for the moment. Senator Thorp, you are in order to continue, but I do remind you of the context of the debate.

Senator THORP: I believe that my comments are directly relevant because they are talking about the fact that we are using the valuable time of this Senate to attack the credibility and the ethics of a member of this place and to go more broadly than that and actually refer to other individual members of not only this place but also other places. So I believe my comments are directly relevant.

Senator Crossin interjecting—

Senator THORP: Yes, fancy having to withdraw that. That was appalling. We are here to work for the good of Australia. In fact, our place on the world stage as represented by the foreign minister, Minister Carr, is one that is enviable. In 2010, from memory, we were described by the United Nations as the second best place to live in the...
world, and we want things to be of a high standard. Everyone on this side of this place defends the fact that we need to have strong anticorruption measures in place. Of course we do, and we totally and utterly support them. It is unfortunate that there are times when, in the interests of the greater good, these things need to be brought out into the public arena, but they do need to be exposed to the harsh light of day if any impropriety or misbehaviour is taking place. We are all in agreement about that—not to use a debate in this place which could be about things that are really relevant to the Australian people to attack the foreign minister. We have measures in place to deal with that.

The job of this place is to look at the policies that affect the Australian community. That is what the Australian people expect of us, and we, as members of government, know and expect that we should get robust criticism and forensic dissection of all the policies that we are putting into place. That is what we expect of members opposite, not trivial, small-minded, mean-spirited attacks on individuals. It disappoints me, and I am quite confident that it is a source of great disappointment to the Australian people. I am sure that all my colleagues in this place in the Greens and the Independents are disappointed that this opportunity to take note of some of the important issues that were raised today, which included cancer, the situation in Nauru—(Time expired)

Senator RYAN (Victoria) (15:28): I note, from the previous contribution made in this debate, it seems to be of some surprise to the Labor Party and the government that indeed it is the opposition's job to criticise them, albeit on topics that they might not want to be criticised on. It seems that they are upset that they do not get to choose the issues upon which they are criticised and I note that in question time Senator Lundy seemed to be disappointed and accused Senator Brandis of bringing the government into disrepute, as if somehow that was a failure on behalf of the opposition. But there is a very important reason why that question was asked and people should take note of it. It goes to both the government's and the minister's ability to effectively oversee a department and it goes to the culture of the party that makes up this government. What we are seeing in New South Wales in respect of ministers that were members of the previous Labor government is that the Independent Commission Against Corruption—established because of the corruption of the previous Labor government before that one and that saw ministers of that previous Labor government like Rex Jackson go to prison—is now doing its job a second time and exposing the underbelly of the New South Wales Labor Party to full public view.

I come from Victoria. It seems to me I cannot remember, at least in a systemic sense, the last time a Labor minister in Victoria went to jail. Sadly, citizens of New South Wales can easily remember it in their state. We can remember when former Labor premiers of Western Australia went to prison and we can remember when former Labor ministers in Queensland went to prison, so maybe we from Victoria should be a bit upset that the worst that we can accuse the Labor Party of is incompetence! I do note, however, that there is a number of council scandals, particularly as to Brimbank, where I grew up, and that there is an investigation going on at the moment into Darebin that does involve the behaviour of Labor elected councillors. But this goes to the very culture of the Labor Party, because the culture of the Labor Party is tribal—and they brag about it. The culture of the Labor Party is so tribal that it gives them moral blindness. It gives them a moral blindness which makes those opposite unable to look at the errors and
moral failures of the people on their own side.

A sad point is that the previous speaker referred to the disillusionment of the people of Australia with government at the moment. She is quite right, because it is the government of the day that sets the tone—it is the government that sets the tone of political debate; it is the government that sets the tone of the political institutions—and it is this Labor government that has failed on every single test. I find it amazing that we have members of the Labor Party coming in here and complaining about personal attacks when there was nothing of the sort and there was merely a question. That is given the character assassination that happens on the other side of this building whenever the House of Representatives convenes because that is all the Labor Party can bring themselves to do. The problem with what has happened in New South Wales is that it simply does not pass the sniff test. It does not seem in any way that any reasonable person could believe that something untoward was not going on. Let us go to Geoffrey Watson, Senior Counsel, questioning Rosario Triulcio—and I hope I have pronounced that correctly. Mr Watson said:

... "Are you saying that you did anything to investigate the viability of Denola as a farm?"
"No," the witness replied.
"Ever go and consult a designer or an architect?"
"No." ...
"A town planner?"
"No."
"Local government authority?"
"No."
"Did you know whether it was served by water, sewerage or power?"

"No."
"... "You wouldn't have known whether they ran goats or rats or cows there, would you?"
"I'm assuming they didn't run rats," ...

The importance of this question goes to the ability of this minister and the ability of this government to effectively and fairly administer on behalf of the people of the Commonwealth of Australia. But there is a bit of a problem with mines and the Labor Party because this is not the first scandal that has happened with respect to a Labor Party minister and a mine. The first big scandal in the state of Queensland was Ted Theodore, as a former premier and with a business partner, selling a mine to the people of Queensland, so to the state of Queensland, at an inflated price without disclosing he was the owner.

Senator Brandis: The Mungana affair.

Senator RYAN: Senator Brandis, you are quite right. The problem is that the Labor Party has a pattern of moral blindness. That moral blindness comes from their view that the means that they undertake are justified because the ends are what they deem to be appropriate and particularly what they deem to be appropriate for all the Australian people. But the truth is that the last 20 years have seen a litany of former Labor ministers being dragged before tribunals like this and a litany of some of them even going to prison.

Question agreed to.

NOTICES
Presentation
Senator Birmingham to move:
That the time for the presentation of the report of the Environment and Communications References Committee on the protection of Australia's threatened species and ecological communities be extended to 28 February 2013.
Senator Eggleston to move:
That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on aid to Afghanistan be extended to 28 March 2013.

Senator Heffernan to move:
That the time for the presentation of reports of the Rural and Regional Affairs and Transport References Committee be extended as follows:
(a) Foreign Investment Review Board national interest test—to 27 February 2013;
(b) fresh pineapple imports—to 20 March 2013; and
(c) fresh ginger import risk analysis—to 20 March 2013.

Senator Nash to move:
That the Parliamentary Joint Committee on Law Enforcement be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 22 November 2012, from 6 pm.

Senator Fifield to move:
That the Senate notes the challenges for good government posed by the culture of the Australian Labor Party and its special relationship with affiliated trade unions.

Senator Milne to move:
That the Senate calls on the Government to fulfil its 2007 election commitment to the Australian people by introducing a public interest disclosure bill in the first sitting week of 2013 to comprehensively protect whistleblowers.

Senator Wright to move:
That the Senate—
(a) expresses deep concern about the upper Spencer Gulf population of the giant Australian cuttlefish (Sepia apama) which has catastrophically declined from a high of over 200,000 individuals in 1999 to less than 10,000 individuals in 2012; and
(b) calls on the Gillard Government to urgently reassess whether or not the upper Spencer Gulf population of this species is eligible for listing under the Environment Protection and Biodiversity Conservation Act 1999.

Senator Siewert to move:
That general business order of the day no. 13, relating to the Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010, be discharged from the Notice Paper.

Senator Di Natale to move:
That the following bill be introduced: A Bill for an Act to amend certain territory legislation to restore legislative powers concerning euthanasia and to repeal the Euthanasia Laws Act 1997, and for related purposes. Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2012.

Senator Milne to move:
That the Senate—
(a) notes the report by the International Energy Agency (IEA), Energy Policies of IEA Countries: Australia 2012 which concludes:
(i) Australia's carbon price scheme is 'an example of the standard of leadership that the IEA has been calling for so that the energy sector can be protected from sudden and vacillating climate policy that paralyses investors and disrupts energy markets',
(ii) Australia's implementation of carbon pricing marks 'the first major fossil fuel energy resource rich economy to take the most cost effective mitigation measure',
(iii) the design of the emissions trading scheme 'fits well' with the IEA's findings on lessons from international experience, with the exception of the free permits and cash given to coal fired generators,
(iv) supplementary policies to the carbon price are required to successfully make a transition to a low carbon economy, and welcomes the establishment of the Clean Energy Finance Corporation, and
(v) further incentives should be introduced to increase energy efficiency, covering new buildings and refurbishment of existing building stock, and notes 'much more work' is required on improved fuel efficiency; and
(b) urges the Government to adopt world's best practice by implementing the IEA's
recommendation for the removal of free permits for coal fired generators and the phase out of over generous allocations.

Senator Siewert to move:
That the Senate calls on the Federal Government to urgently investigate the serious claims made about Fortescue Metals Group regarding its actions in relation to the Solomon mine site and the Yindjibarndi community and its influence on the Native Title and heritage processes in the Pilbara.

Senators Crossin and Scullion to move:
That the Senate—
(a) notes:
(i) the passing of Major General Alan Stretton, AO, CBE,
(ii) the outstanding work and service of Major General Stretton, as head of the National Disaster Organisation, in coordinating the recovery of Darwin after Tropical Cyclone Tracy, which devastated the city on Christmas Day of 1974, as a remarkable achievement which averted much suffering,
(iii) the admiration in which Major General Stretton was held by the Australian community and that he was awarded Australian of the Year, an Officer of the Order of Australia and a Commander of the Order of the British Empire as well as many other honours, and New South Wales 'Father of the Year', and
(iv) Major General Stretton's distinguished military career over 38 years, including active service in World War II, Korea, Malaya and Vietnam;
(b) recognises his contribution to the Australian community, and, in particular, to the people of Darwin and the Northern Territory; and
(c) extends its sincere condolences to his family, particularly his children Virginia, April and Greg, and friends and colleagues of Major General Stretton.

Senator Stephens to move:
That the Senate—
(a) expresses grave concern at the crisis in the Middle East, the loss of lives and the prospect for a further escalation in violence;
(b) condemns the repeated rocket and mortar attacks on Israel from the Gaza Strip and calls for them to end immediately;
(c) recognises Israel's right to defend itself, like that of any country subject to attack, and calls on Israel to exercise restraint and proportionality in its response;
(d) notes the United Nations (UN) and the European Union's calls on both sides to exercise restraint, including UN Secretary General Ban Ki moon's statement of 20 November 2012 that further escalation would be dangerous and tragic for Palestinians and Israelis and would put the entire region at risk;
(e) supports:
(i) all efforts to broker a ceasefire, and
(ii) a two state solution to the Israeli Palestinian conflict – a solution based on the right of Israel to live in peace within secure borders internationally recognised and agreed by the parties and reflecting the legitimate aspirations of the Palestinian people to also live in peace and security within their own state; and
(f) calls for any public demonstrations or rallies in Australia to be peaceful, and not target private businesses or individuals.

BUSINESS

Leave of Absence

Senator Kroger (Victoria—Chief Opposition Whip in the Senate) (15:37): by leave—I move:
That leave of absence be granted to Senator Abetz for 21 November and 22 November, for personal reasons; to Senator Joyce for 22 November, for parliamentary reasons; and to Senator Macdonald for 22 November, for parliamentary reasons.

Question agreed to.

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Reporting Date

Senator Kroger (Victoria—Chief Opposition Whip in the Senate) (15:37): by
leave—at the request of Senator Heffernan, I move:

That the time for presentation of the report of the Rural and Regional Affairs and Transport References Committee on the NZ Potatoes Import Risk Analysis be extended to 20 March 2013.

Question agreed to.

**Community Affairs Legislation Committee**

Meeting

Senator MCEWEN (South Australia—Government Whip in the Senate) (15:38): by leave—at the request of the Chair of the Community Affairs Legislation Committee, Senator Moore, I move:

That the Community 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 today from 4.30 pm

Question agreed to.

**NOTICES**

**Postponement**

The following items of business were postponed:

General business notice of motion no. 1035 standing in the name of Senator Siewert for 22 November 2012, relating to pension-indexation for expatriate United Kingdom citizens, postponed till 26 November 2012.

General business notice of motion no. 1041 standing in the name of Senator Hanson-Young for today, relating to anti-homosexuality legislation, postponed till 22 November 2012.

**COMMITTEES**

Privileges Committee

Reference

Senator THISTLETHWAITE (New South Wales) (15:39): I move:

(1) That the following matter be referred to the Committee of Privileges for inquiry and report:

Whether there was any unauthorised disclosure of the draft report of the Select Committee on Electricity Prices and, if so, whether any contempt was committed in that regard.

(2) That, for the purpose of this inquiry, the Committee of Privileges have power to consider and make use of the minutes of private meetings of the Select Committee on Electricity Prices, correspondence referred to in paragraphs 7.6 to 7.8 of the committee's report and any other document relevant to the question of possible unauthorised disclosure of the committee's draft report.

Question agreed to.

**Legal and Constitutional Affairs Legislation Committee**

Reference

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:40): I move:

That the exposure draft and explanatory notes of the Human Rights and Anti-Discrimination Bill 2012 be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 18 February 2012.

Question agreed to.

**MOTIONS**

Deepavali

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:40): At the request of Senator Lundy, I move:

That the Senate notes that:

(a) Friday, 16 November 2012, was the celebration of Deepavali, a special day in the calendar for Indian Australians;

(b) Deepavali or the 'festival of lights' is a positive and joyous celebration that represents hope, renewal, happiness, forgiveness and goodwill;
(c) Deepavali is one of the biggest celebrations of the year – it transcends religious differences to unite everyone in celebration; and

(d) Australia is a richly multicultural nation which embraces the religious and cultural traditions of our diverse population.

Question agreed to.

White Ribbon Day

Senator CASH (Western Australia) (15:41): I move:

That the Senate—

(a) notes that 25 November 2012 marks White Ribbon Day, the United Nations' International Day for the Elimination of Violence Against Women;

(b) recognises that:

(i) statistics show one in three women in Australia has experienced violence since the age of 15 and one in five has experienced sexual violence,

(ii) all forms of violence, including physical, sexual, financial and psychological, are unacceptable,

(iii) the social and economic costs to Australian families and all Australians that stem from domestic violence and violence in the home are devastating, and

(iv) men's involvement in the reduction of violence against women in Australia and across the world is imperative, both in speaking out against it and in teaching the next generation of Australian children that it is under no circumstances acceptable;

(c) acknowledges that:

(i) all women, regardless of their status, deserve to live their lives free from the trauma, despair and impaired health that violence can inflict on them,

(ii) whatever a person's circumstances, the role of government is to keep them safe from violence, and

(iii) the work of thousands of women and men across Australia in agencies and through domestic violence services does help keep some women and their children safe;

(d) congratulates the more than 54 000 men who have pledged through White Ribbon to never stay silent on violence against women; and

(e) encourages all Australians to purchase a white ribbon and wear it on White Ribbon Day to highlight that violence against women is simply not acceptable.

Question agreed to.

Australian Broadcasting Corporation Programming Audio Description Trial

Senator LUDLAM (Western Australia) (15:41): I seek leave to amend general business notice of motion No. 1036, standing in my name and the name of Senator Siewert for today, relating to the audio description trial for ABC programming before asking that it be taken as a formal motion.

Leave granted.

Senator LUDLAM: Thank you. I move the motion as amended:

That the Senate—

(a) notes:

(i) strong support and popularity has been expressed by the blind and visual impaired community for the Australian Broadcasting Corporation's (ABC) 13 week trial of audio description of scenes during television programs,

(ii) that technical issues identified during the trial will be reported to the Minister by the ABC by the end of 2012, and

(iii) the 5 November 2012 statement by the Minister indicating that the Government will work with all parties to address the technical difficulties towards establishing a permanent service; and

(b) calls on the Government to:

(i) make the ABC report on the audio description trial public, and

(ii) subject to the findings of the report, consider including funding for the Audio Description trial in the ABC's triennial funding process.

Question agreed to.
Australian Broadcasting Corporation
Tasmania Production Unit Closure

Senator BILYK (Tasmania) (15:42): At the request of Senators Brown and Bushby and the Leader of the Australian Greens, Senator Milne, I move:

That the Senate—
(a) records its disappointment at the decision by the Australian Broadcasting Corporation (ABC) to close the Tasmanian television production unit;
(b) notes the ABC's obligations to capture cultural diversity and local programming;
(c) calls on ABC Managing Director, Mr Mark Scott, to reverse his decision and reinstate the Tasmanian television production unit;
(d) expresses its disappointment at the loss of 17 highly skilled jobs in the Tasmanian television production unit; and
(e) records its concern with the continuing centralisation of ABC production in Melbourne and Sydney.

Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator BILYK: I am disappointed to see yesterday's announcement by the ABC General Manager, Mark Scott, of the closure of ABC production unit in Tasmania. I have repeatedly called upon Mr Scott to guarantee the production capabilities in Tasmania during a number of Senate estimates hearings. Mr Scott's answers have been deliberately evasive, and it appears that there has been a determined strategy by piecemeal removal of shows and segments to destroy ABC production capacity in Tasmania, with the aim of the complete shutdown of ABC production in Tasmania.

The Australian people expect that the rich stories of all Australians are told by the national broadcaster. The decision to shut down production in Tasmania is a failure to uphold one of the basic obligations of the ABC. We are a diverse nation and it is fundamental to our cultural identity that the stories of our home state are told through the ABC.

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:44): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MILNE: I join with my colleagues on this, and I am sure I speak for all Tasmanian senators in the chamber—but not just Tasmanian senators; I acknowledge the fact that the minister, Senator Conroy, has asked the ABC to reconsider this position as well. I am also reminded by my colleague Senator Ludlam that, while there are resources being taken out of Tasmania at the moment with the loss of 17 jobs, it is also happening to other regional centres around Australia. We have ended up with only a couple of other locations in Australia outside Sydney and Melbourne where ABC production continues. I just want to indicate that the Greens are going to be doing everything we can to have this reversed. We have spent money with Screen Tasmania on the Goodwood facility; we have a perfect production facility in Tasmania that will be underutilised, and in the age of digital content we need the production facility in Tasmania.

Question agreed to.

Middle East

Senator RYAN (Victoria) (15:45): I move:

That the Senate—
(a) condemns the repeated rocket and mortar attacks on Israel from the Gaza Strip;
(b) supports Israel's right to defend itself against these unacceptable and indiscriminate attacks;
(c) calls on Hamas to immediately cease the rocket and mortar attacks on Israel;
(d) notes that Australia has listed the military arm of Hamas as a terrorist organisation; and
(e) expresses concern over pro Hamas rallies in Australia.
Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator RYAN: I appreciate the leave being granted given the statement by the Minister for Foreign Affairs during question time.

Mr Deputy President, we all go to bed in peace every night. The only fear we have is being woken up by an inopportune alarm clock or a mobile phone, rather than a code red siren that the people of southern Israel have had to deal with for over a decade. I had hoped this motion was not going to be contentious, except for certain extremists in this chamber who do not hold the view that Israel has the right to defend itself and live in peace without conditions. Indeed, in attempting to do this, the language of this motion is based on the Prime Minister's press release of 16 November.

Let us not forget that this violence that we are currently seeing in the Middle East is solely as a result of Hamas's rocket attacks: 12,000 rockets in 12 years. This is a terrorist organisation that is dedicated to the destruction of Israel, to pushing the Jews into the sea—to use its own words—and, as we have seen in the last few days, to the rampant murder and terror of its own people as well. We cannot ask another nation to do what we cannot ourselves do. (Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:46): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MILNE: The Australian Greens support a ceasefire and will support the government in doing everything possible to work for Australia to do that. We do not intend to support what is a totally one-sided motion, nor the language that Senator Ryan is using in relation to this matter. We condemn violence on both sides of the conflict, and call for not only a ceasefire but also an end to the blockade on Gaza. It is quite clear that Israel is a major military force, and Gaza is a community with a broken economy and restrictions on freedom of movement and goods. The Secretary-General of the UN, Ban Ki-Moon, has called for an end to the blockade of Gaza. That should occur because that blockade hurts civilian populations. Australia should be supporting the two-state solution in the United Nations and the aspirations of both the Palestinian and Israeli people to live in peace and security in their own independent sovereign states.

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

The Senate divided. [15:52]

The President—Senator Hogg)

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

AYES
Back, CJ
Birmingham, SJ
Boyce, SK
Bushby, DC
Colbeck, R
Eggleston, A
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID

Bernardi, C
Boswell, RLD
Brandis, GH
Cash, MC
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H (teller)
Madigan, JF
Question negatived.

COMMITTEES

Community Affairs References Committee
Reference

Senator RHIANNON (New South Wales) (15:54): I move:

That—

(a) the Senate notes that:

(i) Port Waratah Coal Services is seeking approval to construct a major new coal terminal in Newcastle Harbour called Terminal 4 or T4, with a capacity of 110 million tonnes of coal per annum which would treble the current rate of coal exports at Newcastle port,

(ii) the Commonwealth owned Australian Rail Track Corporation plans to spend $3.5 billion upgrading rail infrastructure for the T4 project, which would generate more than 100 additional uncovered coal train movements per day through the suburbs of Newcastle,

(iii) many Hunter Valley residents living in coal mining areas, along coal train lines and adjacent to coal stockpiles in Newcastle are concerned that air pollution and coal dust from coal mines and coal trains is adversely affecting their health, and

(iv) a recent University of Sydney report confirmed an elevated risk of cancer, heart and lung disease and birth defects in mining regions, and concluded that there has never been a comprehensive study into the social and health harms of Hunter Valley coal mining, coal transport or coal exports on air quality in the region;

(b) the impact of the Hunter Valley coal rail, coal mining and coal export industry on air quality and public health be referred to the Community Affairs References Committee for inquiry and report by 28 February 2013; and

(c) in undertaking the inquiry, the committee must consider:

(i) what impacts, if any, the mining, transportation, stockpiling and exporting of coal has on air quality in the Hunter region of New South Wales,

(ii) what effect, if any, the air quality impacts of the Hunter coal industry has on public health,

(iii) what impacts the planned expansion of coal mining, transport and export in the Hunter region over the next decade are likely to have on public health, in particular the increase in coal mining and transport required to service the proposed fourth coal terminal in Newcastle,

(iv) what further study needs to be undertaken to fully understand the air quality and public health impacts of the Hunter coal industry,
(v) what steps the Commonwealth could take to protect public health from impacts of the coal industry in the Hunter, and
(vi) any other relevant matters.

The DEPUTY PRESIDENT: The question is that Senator Rhiannon’s motion be agreed to.

The Senate divided. [15:56]

(The Deputy President—Senator Parry)

Ayes.........................9
Noes.......................43
Majority...................34

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

NOES
Bernardi, C
Bilyk, CL
Birmingham, SJ
Bishop, TM
Boswell, RLD
Boyce, SK
Brown, CL
Cameron, DN
Carr, KJ
Carr, RJ
Cash, MC
Collins, JMA
Crossin, P
Edwards, S
Eggleston, A
Farrell, D
Faulkner, J
Fifield, MP
Furner, ML
Gallacher, AM
Heffernan, W
Hogg, JJ
Humphries, G
Kroger, H (teller)
Ludwig, JW
Lundy, KA
Madigan, JJ
Marshall, GM
McEwen, A
McKenzie, B
McLucas, J
Moore, CM
Parry, S
Pratt, LC
Ruston, A
Singh, LM
Smith, D
Stephens, U
Sterle, G
Thistlethwaite, M
Thorp, LE
Williams, JR
Wong, P

Question negatived.

MOTIONS

Seismic Survey

Senator WRIGHT (South Australia) (15:58): I move:

That the Senate—
(a) notes Bight Petroleum's referral of a proposed action under the Environment Protection and Biodiversity Conservation Act 1999 (Reference Number: 2012/6583);
(b) recognises the high likelihood of the proposed seismic survey encountering and having an adverse impact on:
   (i) blue whales if undertaken between November and April,
   (ii) southern right whales if undertaken between May and October, and
   (iii) southern bluefin tuna if undertaken between December and April; and
(c) calls on the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to use his powers under the Act to reject Bight Petroleum's referral as clearly unacceptable to proceed at any time of year.

The DEPUTY PRESIDENT: The question is that Senator Wright’s motion be agreed to.

The Senate divided. [16:00]

(The Deputy President—Senator Parry)

Ayes...............9
Noes...............43
Majority..........34

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

NOES
Bernardi, C
Bilyk, CL
Birmingham, SJ
Bishop, TM
Boswell, RLD
Boyce, SK
Brown, CL
Cameron, DN

Question negatived.
Senator MILNE (Tasmania—Leader of the Australian Greens) (16:03): I move:

That the Senate—

(a) notes:

(i) as of 19 November 2012, the tragic loss of over 100 Palestinian and three Israeli lives in the latest conflict in Gaza, 

(ii) the disproportionate Israeli response in Gaza and that the parties to the conflict are not equivalent as Israel is the world's fifth largest military power and Palestine has a weakened and constricted economy and is subject to restrictions on freedom of movement and goods in breach of international law, and

(iii) rather than women and children being used as human shields in Gaza, the small physical area of Gaza means there is nowhere for women and children to go to be safe from bombings; and

(b) calls on:

(i) the parties to the conflict in Israel and Palestine to immediately cease all armed attacks in order to protect civilians, and

(ii) the Australian Government to:

(A) strongly advocate for an immediate cease fire and for Israel to lift the blockade of Gaza,
DO\n
Nuclear Waste

Order for the Production of Documents

Senator LUDLAM (Western Australia) (16:07): I move:

That the Senate orders that there be laid on the table by the Minister representing the Minister for Resources and Energy, no later than noon on Monday, 26 November 2012, a map revealing the precise geographical location of the proposed alternative site for a nuclear waste dump referred to by the Northern Land Council Principal Legal Officer at a press conference on Crab Claw Island on Tuesday, 13 November 2012.

Question negatived.

NOTICES

Withdrawal

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (16:07): At the request of Senator Macdonald, I move:

That general business notice of motion No. 1037 standing in the name of Senator Macdonald for today, relating to the macropod harvesting industry, be withdrawn.

MATTERS OF PUBLIC IMPORTANCE

Environment

The DEPUTY PRESIDENT (16:08): The President has received a letter from Senator Siewert:

Dear Mr President,

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

The Gillard Government’s plans, at the upcoming COAG meeting, 6 December and 7 December, to hand federal responsibility for protecting our nationally important wild places and most vulnerable species to state governments at the behest of big business.

Is the proposal supported?

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

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

Senator WATERS (Queensland) (16:08): I rise to speak on a matter of public importance—the Gillard government’s plans, at the upcoming COAG meeting on 6 and 7 December to hand federal responsibility for protecting our nationally important wild places and most vulnerable species to state governments—all at the behest of big business.

For people who may not know, the federal government, spurred on by the Business Council of Australia and by state governments—and backed to the hilt by Tony Abbott’s opposition—is planning to hastily hand over nearly all national environmental powers to the states by using sections of our national environment laws that John Howard wrote but which even he never used.

The handover includes the abandonment of national powers on World Heritage Areas as well as threatened species to the very same states that have comprehensively failed to protect those species. The next stage of the negotiation of the handover is the COAG meeting in Canberra on 7 December and of course the Business Advisory Forum the day before, on the 6th. The government plans to negotiate the framework of the handover at this meeting and to sign over the final approvals powers to the states by next March. This represents a major threat to threatened species, to World Heritage values, to precious places and to wildlife right across the country. The Wentworth Group, major
environmental NGOs and local campaign groups all acknowledge the danger this handover represents. They say—and they are right—that this is the biggest step backwards in national environmental protection in 30 years.

So 7 December is the day that this government, with the full backing of Tony Abbott's opposition, will sign off on the framework to abandon its job to protect the national environment and just leave it up to the states. That is the day that Australia's environment will be completely sold out, and sold off, to suit the mining and the business lobby, who apparently run this country. The decision to hand over environment powers to the states was a snap judgement made after a day's meeting between the ALP government and the Business Council of Australia—the day before the COAG meeting in April this year. There was no equivalent community meeting, of course. All the Business Council of Australia had to do was claim that our environment was too regulated and development was being held up. The government did not do any independent assessment of those claims; they just accepted them. They agreed to gut environmental protections and to get completely out of the way and just leave the states in charge.

Comments from Minister Ferguson last week to the ABC again confirm that these changes to our environmental protections are simply being made to suit the mining and gas industries. He spoke as if environmental protection is a luxury that we can no longer afford because of the fall in commodity prices. I have no doubt that they are his genuine views, but they show that Labor is happy to turn its back on its previously held belief that the environment is of national importance, deserving national protection. Sadly, today's Labor Party is happy to trash the legacy of former Prime Minister Bob Hawke, who stepped in to stop the rapacious Tasmanian state government, which was going to dam the Franklin River, and who fought that all the way to the High Court. That step increased the powers of the Commonwealth like no other event since Federation.

This same Labor government is now, with the stroke of a pen, after one day of lobbying by the BCA, winding back that role and taking environmental protection back 30 years. What a tragic backflip for Labor. And what a backflip for the Prime Minister, who, in 1999, railed against the inclusion of these delegation powers when the EPBC Act was first introduced. She described the Victorian and the other state governments as having 'a track record of environmental vandalism'. Yet, here is the Prime Minister acting on the very powers that she railed against, that John Howard had enacted but even he had not used. In 1999 Julia Gillard thought the environment was too important to hand over to the states. But, sadly, now she thinks that none of the environment is too important to hand over, except uranium mining—so she can ensure that we can ship out this toxic material to India. Even Robert Hill, John Howard's environment minister, told the Press Club in August this year that he thought Labor had gone too far with their plans to hand off environment powers to the states.

When you look at the evidence, on all indicators our environment is clearly in decline. The threatened species list has nearly tripled in the last 20 years. We are losing more and more crucial habitat and biodiversity. We have just had Professor Tim Flannery in the latest Quarterly Essay describe our current biodiversity decline as the gathering of a second extinction wave, set to empty 'vast swathes of the continent'. Our incredible Great Barrier Reef is turning into a coal and gas highway, and we have
been warned that it is in danger of losing its World Heritage status. Instead of becoming a new World Heritage area, the Tarkine forests have 10 new mines planned for them. Being the state emblem of Victoria cannot save the Leadbeater's possum from being logged to extinction, even though there are now less than 1,000 of them in the wild. All of this evidence and much more that I do not have time to go into shows that our environment is suffering from far too little protection, rather than too much as the Business Council of Australia would have it.

Putting the states in charge of the environment can only hasten this decline. Let us look at their record.

Historically, states put short-term profits ahead of the environment. And because state governments are far more likely to be fixated on the short-term royalties and returns from mining and development—much of which are trumped up, I might add—there will always be that conflict of interest.

This is why the big environment wins in the past have been when the federal government has stepped in and overturned a bad decision by a state government, such as oil rigs in the Great Barrier Reef or cattle in the Victorian Alps. The states simply cannot be trusted to look after our environment. The sad thing is that our national environment laws are already failing us, but, instead of making them stronger, both of the old parties are ganging up to make them even weaker.

The government will say that they are putting standards in place to ensure that the level of environmental protection will be the same, despite the states being solely in charge. But no standard in the world can or will change the fundamental approach of state governments from prioritising mining, big business and other short-term profits ahead of environmental protection. These weak standards—and I say 'weak' because they might not even need to be reflected in state laws—might just have the status of policy, which makes me incredulous. Those weak standards will not change the states' attitude to environmental protection, and they cannot prevent states determined to approve megamines from destroying the environment. The states will simply find a way around these standards or they will deliberately flout them, as we saw recently in Queensland when the Campbell Newman government refused to comply with the assessment standards for the Alpha coal mine in Queensland.

The reason we have a federal government is to govern in the interests of all Australians on the issues that matter to all Australians. Australians everywhere care about the reef, the Tarkine, the Kimberley and our iconic koala. It remains the federal government's job to look after the most important and precious of Australia's environment assets, which are of international significance, like the World Heritage Great Barrier Reef. No standard will be able to replace the protection that is meant to be provided by the federal government for our precious places and wildlife.

The ALP and the coalition will not believe that these places and wildlife are precious to all Australians. They will not step up to protect our environment from big business and other industries. They will not hesitate to sacrifice these precious places for short-term profit. Sadly, the ALP and the coalition have abandoned voters who care about the environment. With the recent revelation—and the publication of the draft standards showed this—that all environment powers, bar for uranium mining, are eligible to be handed over to the states, there is now no difference between the ALP government's and Tony Abbott's policy on the environment. Just like on refugee policy—and we have seen that again today—same-
sex marriage and reducing support for single parents, there is now no difference between Labor and Tony Abbott on the environment. It is now perfectly clear that, if people believe our environment matters, their only choice is the Greens.

Our environment is under attack like never before. We cannot leave protecting Australia's environment up to the states. We can make our national environmental laws stronger, not weaker. We can keep decisions about Australia's environment in the hands of the Australian government. We can protect what we love about Australia, now and into the future. We have so much in this country that is simply too precious to lose. If Labor and the coalition will not step up to save it, it is up to all of us.

Senator THORP (Tasmania) (16:18): I rise today to clarify the Gillard government's plans to cooperate with all state and territory governments to develop sound environmental policy. We must ensure that Australia's wild places and vulnerable species continue to be respected and protected against the enduring challenges they face from future development proposals by Australian businesses and, in particular, the mining industry.

The Gillard government treats any amendment to the Environment Protection and Biodiversity Conservation Act very seriously. The government will always face scrutiny if it does not, particularly from those who I believe possess the strongest ecological conscience and passion to protect our environment—the Tasmanian people and the Tasmanian representatives in this place. As a proud Tasmanian, I know how fortunate I am to be surrounded by breathtaking coastlines and forests. I also know how important it is to protect the most intact and undisturbed natural areas of our land. I therefore accept and appreciate the broader concern for the protection of national wild places and vulnerable species expressed by Senator Waters on behalf of the Australian Greens.

The reality is that we must find a balance between the continuing fight for greater environmental protection and the need to allow development to take place in order to move our nation forward. In order to prosper, Australia must maintain a stimulated economy which has the capacity to benefit all Australians, whether they are able to participate in and benefit from our economy or not. This is why protecting our environment, while ensuring that our economy continues to develop, is a clear and valued priority of this government.

On 24 August 2011, the Minister for Sustainability, Environment, Water, Population and Communities released the government's response to the independent review of the Environment Protection and Biodiversity Conservation Act as part of a broad package of reforms of Australia's national environment law. Announcing the reform package, the minister said that these reforms would deliver better environmental protection focusing on whole regions and ecosystems and faster environmental assessments, provide a consistent national approach to environmental impact assessments that removes duplication and cuts red tape, and provide better up-front guidance on legislation requirements, with more long-term certainty and transparency.

In order to stimulate our economy, we must listen to the needs of Australian business—that is true. We must act to reduce barriers for business, such as removing duplicate regulation that does not need to be there. On 13 April, the Council of Australian Governments released a plan to implement forward-planning changes to federal and state environmental laws. Environmental
issues have a tendency to attract emotional and irrational responses, and therefore I must clarify for those concerned the reality of the impact these changes will have.

The Gillard government's plan at the upcoming COAG meeting in December is to develop policy which balances these two national priorities while clarifying and enhancing the accountability of decision makers determining the outcome of development proposals.

Be assured that the government has no desire to weaken or water down existing environment protections. Since it delivered its response to the Hawke review of the Environment Protection and Biodiversity Conservation Act last year, the government has been working hard to deliver simpler environmental protection policies. The Australian federal government boasts very high environmental standards—standards of which, as a nation, we should be very proud. We know that the responsibilities shared between state and federal governments have become increasingly fluid, as policy issues that arise today were not able to be foreseen in the early 1900s, when our Federation was established.

When our federal system begins to struggle with inefficiencies due to excessive green tape, because of practices that duplicate the approval process, we must reassess existing policy and make amendments. The Hawke review identified the need for greater cooperation between the Australian, state and territory governments in delivering a better environmental law system. The review recommended using existing provisions of the EPBC Act and developing standards to enable bilateral agreements on approvals with the states and territories. The government has been working cooperatively with all states and territories to provide a basis for developing bilateral agreements that deliver a streamlined assessment and approval process based on high environmental standards.

The Gillard government's plan to reduce green tape around approval requirements by both state and federal governments will not come at a detriment to the environment. Environmental protection is not being thrown out the window in favour of development. In fact, it is quite the opposite. All development proposals will continue to be subjected to environmental protection guidelines and policy. Each proposal will be rigorously assessed for its foreseeable and likely impacts on protected and vulnerable species as well as important wild places in Australia. The government will retain overall responsibility for protecting matters of national environmental significance and will be able to focus on setting the national environmental policy agenda, including influencing state outcomes, landscape scale and strategic approaches to environmental conservation and investment in Australia.

A strong assurance framework is being and will continue to be built into the bilateral agreements under discussion with states and territories. This framework will ensure that states must demonstrate how their environmental decision making is complying with national environmental standards. If states do not or will not, then the decisions will remain with the Commonwealth environment minister.

The purpose of these amendments is to remove regulatory duplication in order to encourage investment and increase productivity. We know that today we are living in a fast-paced world. It is therefore vital that our regulatory system be equally fast and reactive to the desires of Australian businesses. If government has the capacity to legislate to promote greater certainty for business in a time of uncertainty for our
economy, then we should. If government can legislate to encourage an increase in development proposals and activities, then we should. And if government can encourage and secure investment in Australia and create more Australian jobs for the Australian people, then we should.

It was the Gillard government who asked the COAG Business Advisory Forum what it considered to be 'nuisance regulations', and it is the Gillard government who listened. Nuisance regulations are those that are duplicated at both a state and a federal level or those which are considered to have no real purpose. Business Council of Australia president Tony Shepherd considers the goal to remove the duplicate approval process by state and federal governments to be a big step forward—a step forward that has the capacity to have a very real impact on supporting businesses that operate in Australia and assist productivity and competitiveness at a time when we are experiencing a high Australian dollar.

The purpose of the Gillard government's plan is not to streamline environmental protection so that business and development proposals are met with the least resistance; the government's plan is to formalise an arrangement that already exists today. The Gillard government's plan will ensure that development proposals which are in keeping with environmental guidelines are able to proceed without being strangled by excessive green tape and passed back and forth between state and federal governments while investors and companies wait in uncertainty. The Gillard government has been working and will continue to work to deliver a simpler environmental protection plan—a system with clear standards, a system which allows for faster decision making and a system which ensures that our nation has both a healthy, protected environment and a strong economy.

On 2 November the Australian government released the draft framework of standards for accreditation under the EPBC Act. These draft standards underpin the government's approach to the reform process. They recognise the need for sound assurance mechanisms to ensure that the bilateral agreements continue to operate as intended and remain responsive. The draft standards have been released to provide people with the opportunity to see the approach the government is taking as we continue to negotiate with states and territories.

I must strongly affirm to the Senate that the government's plan at the upcoming COAG meeting in December is not about developing policy that will roll back our environmental protections. This December, COAG will receive an update on progress with discussion on bilateral agreements. Not one clause of existing environmental protection law is to be altered. The government's plan is simply concerned with removing unnecessarily duplicative and time-consuming processes.

**Senator IAN MACDONALD** (Queensland) (16:28): I am pleased to participate in this debate on this matter of public importance and bring a sense of reality and common sense to an issue that has been concerning Australians for a long time. I will say at the outset that I was pleased to hear the rhetoric from the previous speaker, Senator Thorp, from the government benches. If only that rhetoric were moved into reality, then I would have to say that it would be perhaps one thing on which I agreed with the Labor government. I will give some credit to the Labor government—and this is a rare thing for me to do. I have to say, as the Howard government we did try to bring together the state and federal environment rules so that there was one assessment process.
Unfortunately, we had not achieved that at the time we left government. So I am pleased that at least the Labor Party is paying the rhetoric. I am delighted that at COAG the federal government will be meeting with a series of what are now sensibly governed states who have a real interest in the environment but also a real interest in reducing red and green tape.

I am always proud to come to debates on the environment by reminding the parliament that every serious environmental measure for the betterment of Australia has been introduced by Liberal governments. The first ever minister for the environment came from a Liberal government. When you go back through history and look, for example, at the Great Barrier Reef and Fraser Island, you see that most of the serious environmental advancements, such as the EPBC Act, were made under Liberal governments. As I always said to my good friend Robert Hill, who introduced the EPBC Act, it is an act that is good in the hands of a sensible, responsible, reasonable and balanced minister, but if you put it in the hands of someone like Tony Burke you have real problems—and haven't my predictions turned out to be true.

Unfortunately, the Labor Party's decisions on the environment are dependent on whether they will retain the support of the Greens in the lower house, where they need that one vote for Ms Gillard to remain as Prime Minister, with all the power that the Prime Minister exercises. You will recall that, before the last election, in the greatest rebuff to the voters' trust in the Australian political system, Ms Gillard promised solemnly never to introduce a carbon tax under the government she led. It is no wonder now that Australians simply do not believe anything our current Prime Minister says.

I go back to where I started my contribution. The Liberal and National parties are the parties in the Australian political system that have been the cause of every serious environmental advancement in this country. Once upon a time we had the best managed sustainable forests. That meant that the forestry companies went through and cleared the undergrowth and the fuel. They had tracks through every forest. On site, they had not only capable men and women but also resources to put out any fire that started. The Greens came along and shut down forestry, shut down these tracks and shut down employment opportunities. More importantly, they shut down those people who could address wildfires as they started. The Greens came and were. The Black Saturday fires in Victoria occurred because of the huge fuel build-up in the national parks. Fifty per cent of the fires on Black Saturday came from national parks.

The Greens and the Labor Party love setting up national parks but they never put any money into them; they never put any money into properly managing them. They have become havens for feral animals, weeds and fuel that is tinder dry and ready to explode. I understand more damage has been done to Australia's biodiversity by these wildfires, which happened because the Greens will not let any fuel be removed from our native or other forests—

*Senator Siewert interjecting—*

**Senator IAN MACDONALD:** You only need five tonnes per hectare of fuel, a 40-degree day and a 50-kilometre wind and a fire becomes uncontrollable. And talk about the koalas—what koalas are left after those sorts of wildfires? It is you, the Greens political party, that cause the death of so many koalas and of so much else of our very special biodiversity that makes Australia great. And you want to blame someone—and
I do; I point to the corner where the Greens sit with all their misguided logic on the environment.

Far be it from me to support the Labor Party on this, but giving environmental control to one authority, using the environmental laws of both the Commonwealth and a particular state, is a marvellous thing to do. I can give you any number of examples, and I will give you just a few. There is a cassava farm up in Home Hill, near where I live. They spent literally millions of dollars to get state government approval. Everything is ready to go. Once the state government has given its approval, they have to then try and get this lot that presently control the government in Canberra to go and oversee it and do exactly the same thing that the state government—in this case, a Labor state government—had already done.

There is another instance up where I come from, with the Guthalungra prawn farm. Do not hold me to the figures, but they are close enough to be accurate. The proponents spent something like $10 million getting state government approval for the farm. Having gone through the most stringent process, they then come down to Canberra and have this idiot mob here—who are held in office by the Greens and therefore susceptible to every whim of the Greens—put a whole new set of assessments, delays, costs and conditions on them. They get to $20 million to introduce a prawn farm that provides food not only for Australia but for the starving millions around the world that the Greens pretend on occasion they are concerned about. This green tape, this duplication, stops the production of food in Australia.

The Greens hate dams. The Labor Party, being as gutless as they are, also hate dams because they need the Greens support to keep this government in power or to get preferences. We have this Northern Australia Land and Water Taskforce which, in its original configuration, under Senator Heffernan, looked at dams. The government changed and the membership of that committee changed. They brought out a report and, when they were challenged about how weak it was, said, 'Oh, we were told by the government we could not look at dams.'

This shows how neither the Greens nor the Labor Party have the courage to look at the real issues confronting Australia. Sure, animals are important, and if these parties believed they were important they would do something about the fuel loads in the forests so that the koalas would not be killed. That is why we are losing our koalas.

But the Greens do not seem to worry about people—they do not seem to worry about Australians who need jobs or about people around the world who are starving and need Australia's food. The Greens are not interested in people; all they talk about is biodiversity, and they are really the cause of the destruction of most of Australia's biodiversity.

Regrettably, time is not going to allow me to make a lot of the other points that I wanted to make. But I say to the Labor government that the rhetoric on getting a streamlined approach to environmental assessments is good. It does not mean reducing your standards, and it does not mean ignoring any Commonwealth or state environmental law. It means getting a better process and getting rid of an enormous amount of green tape and having not only the science and the environment but also development jobs and—most importantly—food as well.

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:38): You certainly would not let a few facts get in the way of a good argument, would you, Senator Macdonald? The clearing of our native
vegetation, which everyone recognises as one of the major causes of the loss of biodiversity, and feral and introduced animals, which everyone recognises as another of the major causes of loss of biodiversity, are suddenly not the real causes of the loss of biodiversity. Australia has the highest rate on the planet of pneumonia and decline in critical weight range of native animals, but it seems to be okay with both the coalition and the government that we water down our federal environmental laws. It horrifies me to hear Senator Thorp and the government continue to use the industry rhetoric of 'green tape'. Nothing demonstrates more clearly that the government have bowed down to industry and the miners than their adoption of the rhetoric of 'green tape'. When they say 'green tape', they mean environmental laws that are put in place to protect our environment. It is absolutely essential that we have strong federal environmental laws. In my home state of Western Australia the importance of having such laws is nowhere more evident than in the state government's granting of environmental approval just this week for the development of James Price Point in the Kimberley on the basis of an extremely flawed environmental assessment process. In Western Australia we could not find five independent environmental specialists with the expertise to be able to make an assessment on the development project for James Price Point. Four of the EPA members had to excuse themselves because they had a conflict of interest. Nothing speaks more plainly of the fact that we need strong federal environmental laws. If a state cannot find five independent people to do an environmental assessment, at least the Commonwealth can take a much more independent view in looking at development proposals.

Let's look at the environmental assessment process that was carried out in Western Australia and the environmental impact assessment statement that the proponents put up. It is riddled with errors, mistakes and flaws—riddled with them. The proponents did not seem to be able to count the number of whales that use the James Price Point area. They did not seem to be able to recognise—though, if they had read some of the scientific literature and done proper surveys, they would have recognised it—that the James Price Point area is one of the most important whale nurseries in the world. They only seemed to be able to see the humpback whales, not the other whales which use the area. They did not recognise the fact that there are at least four different types of dolphins in the area. They failed to find the miniature spinner dolphin, and they did not properly address the issues around the snub-nosed dolphin. They did not find turtle nesting sites near the James Price Point development site. Could that have been because they apparently carried out the survey in the non-nesting time? They did not find the bilbies using the terrestrial area. They downplayed the importance of the vine thickets in the area. They did not do the proper research on the importance of the dinosaur trackways in the area. The conditions on the protection of the dinosaur footprints are laughable, and they did not consider the interruption to the songlines associated with the footprints.

There were all these flaws, and I have not even touched on the issues around the importance of the area for dugongs and the fact that the proponents totally underestimated the impact of the development on dugongs due to the loss of sea grasses. They have not dealt with the fact that the development will move millions of tonnes of dredging materials or the impact that this will have not only on coastal
processes but also on feeding grounds for turtles down at Quandong Point. Turtles there are already under pressure from the Gorgon development, which is occurring on one of the most important sites for endangered species on the planet—Barrow Island—on which, because it is an island, endangered species can be protected. All these flaws demonstrate both the 'development at all costs' approach taken in Western Australia—in the Burrup, we have lost priceless Aboriginal heritage—and the need for strong environmental protection laws at the federal level. *(Time expired)*

**Senator FURNER** (Queensland) (16:43): I rise to speak in this matter of public importance debate on the environment. I am proud to do so as part of the Labor government, which deeply believes in protecting the environment. To demonstrate this fact we only need to look at the scorecard of our latest achievements on the environment. Just last week Minister Burke announced a two-year ban on the supertrawler to allow an expert committee to assess the environmental impacts of large-scale fishing. Earlier this month Minister Burke announced that the government would recognise the Indigenous national heritage values of the Wet Tropics of Queensland in the existing Wet Tropics of Queensland National Heritage Listing. The Wet Tropics of Queensland were added to the National Heritage list in 2007. The Chair of the Australian Heritage Council, Professor Carmen Lawrence, said that she was delighted that the Indigenous heritage of the Wet Tropics had been included. She said: The national Indigenous heritage values of the Aboriginal Rainforest People encompass a unique cultural heritage including dreamtime and creation stories, traditional food gathering and processing, and land management techniques. The stories and traditions passed down from the ancestors of the Aboriginal Rainforest People enabled Rainforest Aboriginal People to survive in a difficult and challenging environment and continue to be valued today.

I commend Minister Burke for acknowledging the importance of the national Indigenous heritage values of the Wet Tropics of Queensland and for ensuring they are protected by their inclusion on the National Heritage List …

That is just one example of what we are doing up in the tropics in my home state of Queensland. Based on my experience with Indigenous elders up on the cape—I have conversed with the likes of David Claudie about that area and heard what he considers important for Indigenous people on the cape—I have to concur with Professor Carmen Lawrence's view.

Last week the minister announced the marine bioregional plan. We have the third largest marine area in the world with a $44 billion marine economy. The plan will ensure we protect this beautiful asset and that future generations can experience a healthy marine environment. However, on 16 November Campbell Newman's Minister for Agriculture, Fisheries and Forestry, the Hon. John McVeigh, said that the plan 'will destroy Queensland jobs and local businesses'. That is consistent with the rhetoric we have heard within the chamber today on this subject. He went on to say: The impact across our fishing communities will be enormous.

These claims need to be disputed. I cannot work out why Campbell Newman's government hates the ocean so much. They argue about protecting the reef and now they are opposed to national parks in the ocean. From these comments, you can only assume they are opposed to their own buyouts, the ones they announced two days ago.

The no-fishing zones are many hundreds of kilometres off the Queensland coast. They are areas which most recreational fishers would never reach in a lifetime of angling.
The Newman government's comments are extreme, bizarre and wrong. It would certainly take an effort worthy of *The Guinness Book of Records* for someone to cast a line from the coast to reach the Queensland exclusion zone, which is 300 kilometres out to sea.

Let's not forget the climate change policy this government implemented, a policy which was supported by the Greens in the end—after they had initially embarrassed themselves by voting with the Liberals and Nationals to oppose this important legislation to protect our environment. So do not come in here and make sanctimonious comments about our party being lukewarm on the environment and compare our policies to Mr Abbott's environmental policies. You are way off the track there.

I was really amazed to hear Senator Macdonald's contribution—his comment about Labor state governments not putting money into national parks. Just recently there was an announcement about jobs in the environment and national park areas of the Queensland government being terminated. How are they going to put money into national parks in Queensland if they are sacking workers—14,000 or more? And they are talking about us having no commitment to national parks. It is an absolute joke.

I will move on to what we are doing as a result of what came out of the April 2012 COAG meeting. We are going to prioritise the development of bilateral agreements, with frameworks and standards to be developed by December 2012. Those bilateral agreements are to be finalised by March 2013. In December, COAG will receive an update on the progress of discussions on bilateral agreements. Negotiating bilateral agreements is not about rolling back environmental protections; it is about reducing unnecessary duplication and time-consuming processes while lifting the states up to provide the same level of environmental protection currently provided by the Commonwealth.

In some respects, I have some empathy for the views embodied in this motion. I accept the point that Senator Waters makes about having concerns about the current Queensland government and their commitment to the environment and to national parks. In doing so, I refer to an article in the *Courier-Mail*—not always a paper you can rely upon, but in this case I will. The article is headed 'Newman government plan to open national park areas to logging and grazing'. It says:

Newly allocated national parks could be reopened to commercial logging and grazing under controversial Newman Government plans to revive the state's struggling agricultural industries.

It goes on to say:

Mr Dickson—that is, national parks minister Steve Dickson—told The Courier-Mail about 875,000 ha of state forest and former cattle stations recently gazetted as national parks were likely to be the first to be rescinded.

That certainly is a concern. I am personally concerned about that, given the beauty of my state of Queensland and of the many national parks I have been fortunate enough to be able to visit, to take my family along to and to camp in and enjoy.

One thing we are going to do through COAG is to bring the states into line with us—to make sure they are involved and on-board in accepting their responsibility to protect the environment. We will retain overall responsibility for providing protection on matters of national environmental significance. The aim is to focus on setting the national environmental
policy agenda, including influencing the state outcomes, and landscape scale and strategic approaches to environmental conservation and investment.

A strong insurance framework is being built into the bilateral agreements under discussion with the states and territories. If they do not or will not accept their responsibilities, environmental decisions will remain with the Commonwealth and the environment minister. That is the relevant point here—it is about having the overall responsibility. If the states will not comply, it comes back to the Commonwealth and to the environment minister. That is consistent with my opening remarks, which clearly demonstrated this government's commitment to the environment. Our commitment is undisputed. No-one can come in here this afternoon and have a go at this government about our commitment when it comes to the environment.

On a personal note, I have on many occasions been fortunate enough to travel to the cape to see firsthand some of the areas which need protection. There was a debate in this chamber, before Senator Waters and some of the other Greens came into this place, about a bill to prevent mining on the Wenlock River, that beautiful pristine river. The Wenlock River owes its existence and ongoing sustainability to several perched bauxite springs, which not only supply the river but also provide habitat for rare fauna and flora.

These are the areas that we need to ensure are protected, especially when you have a Liberal National Party state government like we have in Queensland considering opening mines in the cape hundreds of kilometres in size. They would cause enormous environmental vandalism to the likes of the Wenlock River. This is why we need to make sure, when we are having debates and discussions with state governments, regardless of whether they be Labor or Liberal National Party, that they are on the same path as us. Hopefully I will have an opportunity once again to go up there and enjoy beautiful environmental areas like the Wenlock.

Senator BIRMINGHAM (South Australia) (16:53): This matter of public importance has been nominated by the Australian Greens. When we look at matters of public importance sometimes we need to look at their tone at the very outset, before we get into the detail. Today we are discussing the Gillard government's plans, at the upcoming COAG meeting on 6 and 7 December, to hand federal responsibility for protecting our nationally important wild places and most vulnerable species to state governments at the behest of big business. So it is evil big business that the Australian Greens would like us to focus the debate on—the pejorative term 'big business' is thrown in there at the end, that little swipe saying that anything business may want must be bad. That is not the case.

Far be it from me to have to stand here in this place and defend actions that the Gillard government may be taking, but equally there must be credit, to some degree, where it is due. In this case credit is due because the Gillard government is trying to work through the processes that exist within the Environment Protection and Biodiversity Conservation Act to facilitate arrangements where the states might be able to streamline some of these environmental approval processes. The coalition has a very clear standard about streamlining—we understand it is one that the government is seeking to apply as well—and that is that current environmental standards should be maintained. This should not be about stripping away standards, but it should be about improving efficiency—removing the
costs and the complexity that all too often in Australia mean far too many developments face multilayered approvals processes that see cost and time and delays and uncertainty and hassles for investors mount as they try to get local government approvals, state government approvals and federal government approvals for development proposals. We think it makes sense to move towards something that is more streamlined but that maintains a core level of standards.

The coalition government was proud of its achievement in introducing the EPBC Act. My predecessor as a senator for South Australia, Robert Hill, was the environment minister at the time, and he would cite it as one of his great accomplishments—and so he should, because the act does provide some national standards for environmental protection. Those national standards should be maintained. But they should not be maintained as standards alongside the maintenance of some fake belief that it must all be done by the federal government in a bureaucratic and administrative sense—if the capacity is there, as the act provides for, for states to undertake some of these assessments in conjunction with their own assessment processes, then that is a perfectly sensible step to take as long as standards are maintained.

The coalition has identified very clearly that red tape and so-called green tape is a mounting problem for development in this country. The more investors see that it is going to take a long time and a lot of hassle and cost to get approvals, the more likely they are to think it is easier to go and do business elsewhere. If we can reduce the time involved, if we can reduce the layers of government they have to deal with, if we can reduce the complexity and if we can reduce the cost, we will maximise the chance of investors deciding that Australia is the right place to do business and bring their dollars to. That is what we should all want. That is why the Leader of the Opposition announced earlier this year coalition policy for a one-stop shop for environmental approvals, coalition policy that will seek to ensure that the states and territories can opt into administering a single approvals process under the Commonwealth EPBC Act for major projects so that there is a capacity for those dual assessments to be undertaken covering Commonwealth and state requirements at the same time.

Equally, we say that if the states would rather have the Commonwealth as a sole designated assessor we are willing to work through that process as well. So, from the coalition’s perspective, our desire is not to be prescriptive about saying the states should do all of it or the Commonwealth should do all of it, but we should try to reach an outcome where you do not have both levels of government applying the bureaucracy and doing the assessments.

In addition to the single assessment process, we would also seek to create, working with the states, single lodgement and documentation processes for environmental appointments, once again seeking to reduce and minimise the paperwork, the green tape, the cost and complexity that comes with getting developments off the ground. We think that by offering this as an option to the states, rather than simply handing it over, we also create the capacity for some competition between the states. I happen to be someone who believes that if we are going to stick with this model of a federation then we should put the states to some work: give the states the capacity to compete against each other to see who can be the most efficient and effective at doing their job.

Once again, I stress that that does not mean that you undermine the
Commonwealth environmental standards through that process. We would expect there to be, and would ensure that there is, strict application of those Commonwealth environmental standards. The option, as I said, would be before states and territories to have the Commonwealth designated as a sole assessor instead, if that were a preference. But the priority is to make sure we shift to a situation where there are not multiple layers of bureaucracy undertaking different assessments at great cost and great complexity to those seeking development approval.

Senator Waters: We already have existing arrangements; you know that!

Senator BIRMINGHAM: Senator Waters highlights arrangements that may exist, and yet Senator Waters and the Greens seem to have this enormous problem and concern with the idea that those existing arrangements could be built upon and improved. With existing bilaterals in place, why can they not be built upon and improved? Why can we not work to an ambition of a one-stop shop? I hope that is what the government seek to do through the upcoming COAG meeting and through their work in this regard.

I am not afraid of the fact that big business might be advocating this. Governments should be able to respond to all stakeholders and all interests, including the so-called 'big business' in the Greens' motion. Respond to them, of course, knowing that they come with their own vested interests. And you need always to act with your eyes open to the vested interests of whomever is knocking on your door. But that does not mean that you reject all of their points and their views outright. You accept what makes sense and you apply the other necessary tests to them. In this case, what makes sense is to reduce the bureaucracy and to achieve a one-stop shop approach but to do so whilst maintaining your Commonwealth environmental standards as the minimum test through these processes.

So if the coalition win the next election we will certainly work through the type of process that I have outlined today and that Mr Abbott announced back in April of this year as coalition policy. If the government at the December COAG meeting is able to work through something similar, then we will welcome that. We will welcome anything where this government actually reduces the red tape and green tape that are clogging so much of business in this country at present. (Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (17:03): We just heard that so-called green tape is clogging business in this country. Does that not tell you exactly where the government and coalition are coming from in this effort that is underway, driven by the Business Council of Australia? What has been put to COAG came straight from the Business Council of Australia; it is almost the exact language that they put forward. Let us not pretend that the whole purpose here is not anything other than, as Senator Birmingham just talked about, getting development off the ground and, as the government says, streamlining—and read for 'streamlining' 'fast-tracking'. That is what we are talking about here.

We know, those of us in the environment movement around the country, that when you hear the word 'streamlining' it means 'fast-tracking'. Anyone who wants to know what that means should just look at the pulp mill process in Tasmania, where we had so-called 'streamlining'. The then Premier of Tasmania, Paul Lennon, took the pulp mill out of the agreed assessment process because Gunns said that it did not suit them. They knew that they would not pass that process.
It was taken out, and what did the Commonwealth do? Did it declare the whole thing null and void? Not on your life! Where is the compliance and enforcement? Tasmanians were put through years and years of division in the state and complete nonsense out of the state government in its assessment of the impacts on the marine environment.

It was the Commonwealth which at least came to the rescue on the marine environment, to actually have the capacity to look at genuine impacts. If it had been left up to the Tasmanian government, it would have been the pulp mill task force and the ridiculous claims by the pulp mill task force that there would be a level of dispersion and dilution of the effluent into Bass Strait. The reason they gave for that—and I will never forget the interview from the pulp mill task force—was that a dinghy that came off a fishing boat washed up on Flinders Island, and that proved that there was a sufficient current to get rid of effluent into Bass Strait.

That is the kind of nonsense you get if you rely on state governments. The fact is that, right around the country, environment departments in state governments have been so hollowed out that there is hardly any expertise left. Anyone who thinks that a state government would ask the Commonwealth to assess one of their projects that they want to be fast-tracked as a project of state significance, just get real. The whole point here is that they want to fast-track it for themselves and take away any kind of environmental protection.

That is where we are with the Tarkine in Tasmania. I know that my colleagues have talked about James Price Point and that they have talked about threatened species and so on around the country. I particularly want to talk about the Tarkine, where you have the Tasmanian Premier totally opposed to the National Heritage listing of the Tarkine, in spite of the fact that the Heritage Council recommended that 434,000 hectares be listed because it contained 'extensive, high-quality wilderness' and because 'largely undisturbed tracts of cool temperate rainforest are extremely rare worldwide'.

That is from the Heritage Council. But what do we have? We have the Tasmanian Premier and Deputy Premier saying that there is no way the state government would compromise Tasmania's mining potential, including heavily mineralised areas on the north-west and west coasts, and so they want all of those mine proposals in the Tarkine to proceed. And who would think for a single minute that if the assessment of the Tarkine were handed over to the Tasmanian government there would be anything like what the Heritage Council has recommended to the minister be protected?

That is the situation we now have. We have it at James Price Point, where the Premier of Western Australia wants the Kimberley opened up for development and wants it to come out of James Price Point. We see exactly the same thing in Victoria with the logging of the habitat of the Leadbeater's possum and in New South Wales with the koala, and elsewhere around the country. And of course there is the Great Barrier Reef, not to mention the Coorong and of course Kangaroo Island in South Australia. We are seeing it right around the country. The whole point here is that Julia Gillard, the Prime Minister, is going to abandon the legacy of the Hawke government, abandon that for Labor and give it away in order to please the Business Council of Australia and to fast-track the extinction of species. That is what this will do: fast-track the extinction of species and the loss of Australia's environmental values around the country and the fabulous habitats and places people love. It is a case of Labor
and the coalition getting together to abandon 30 years of environmental protection for destruction, and that is a disgrace. *(Time expired)*

The ACTING DEPUTY PRESIDENT (Senator Crossin): The time for the discussion has expired.

COMMITTEES

Scrutiny of Bills Committee

Report


Ordered that the report be printed.

Senator BUSHBY: I move:

That the Senate take note of the report.

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

Constitutional Recognition of Local Government Committee

Membership

The DEPUTY PRESIDENT (17:10): Order! The President has received a letter from a party leader seeking a variation to the membership of a joint committee.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:10): by leave—I move:

That Senator Singh be discharged from and Senator Crossin be appointed to the Joint Select Committee on Constitutional Recognition of Local Government.

Question agreed to.

REGULATIONS AND DETERMINATIONS

Migration Amendment Regulation 2012 (No. 6)

Disallowance

Senator CASH (Western Australia) (17:10): At the request of Senator Abetz, I move:

That the Migration Amendment Regulation 2012 (No. 6), as contained in Select Legislative Instrument 2012 No. 237 and made under the Migration Act 1958, be disallowed.

[F2012L02021]

This is a motion for the disallowance of Migration Amendment Regulation 2012 (No. 6) as contained in Select Legislative Instrument 2012 No. 237 and made under the Migration Act 1958. The regulation was tabled on 29 October 2012. The government claims that the purpose of the regulation is as follows: to amend the Migration Regulations 1994 to prescribe a new class of persons as eligible noncitizens under paragraph 72(1)(b) of the Migration Act. That class of persons is a noncitizen who, when he or she last entered Australia, was not immigration cleared and after entering Australia was granted a bridging E (class WE) visa under section 195 of the act. As eligible noncitizens, persons in this class of persons are able to make valid applications for bridging visas in Australia subject to any other provisions in the act or the principal regulations.

The regulation will allow irregular maritime arrivals who have already a
bridging visa granted by the minister under section 195A of the Migration Act to make a further application for a bridging visa when that initial bridging visa expires and have that visa granted where they have been unable to do so in the past. This regulation is no doubt being introduced by the government because of its failed border protection policies and because these failed policies have seen the number of IMAs arriving in Australia in this financial year increase to three times the rate of arrivals in the previous financial year, and as a result Australia's immigration detention network can no longer cope.

As confirmation of that, I refer to an article on the Sydney Morning Herald website entitled 'Labor's Pacific Solution overwhelmed', which was published about 40 minutes ago. The first paragraph of that article says:

Immigration Minister Chris Bowen has effectively conceded that Labor’s Pacific Solution Mark II has been overwhelmed, announcing that asylum seekers are arriving in such numbers that they will be allowed to live in the Australian community.

The government has admitted to the Australian people and to this parliament that the total number of IMAs in immigration detention centres and APODs is 7,670. There are 1,688 under residence determination, and more than 6,100 IMAs have been released on bridging visas since November 2011. The government therefore wants this regulation passed so that it can release the IMAs, as Minister Bowen has stated today—and only very recently—into the community as a matter of urgency so that the government can make way for the new IMAs that are arriving at an unprecedented rate.

If one distils the effect and the impact of this regulation, it is clear that it is in fact a declaration of abject failure and incompetence by the minister and by the Gillard Labor government. This regulation is a declaration by the minister and the government that Labor's border protection policies have comprehensively failed and that the people smugglers have won their right to decide who will be able to enter Australia and under what terms they will be able to do so. This regulation enables the people smugglers to continue to ply their criminal trade. They know that the more people they send to Australia, and the more pressure they put on a Labor government, the more likely it is that the government will make changes to the immigration regulations to accommodate the people smugglers' vile trade.

In fact, the scope of this regulation is so broad, representing such a decisive win for the people smugglers, that I expect that they will be photocopying this regulation and using it as a marketing ploy to show people that under Labor they actually determine who comes and the manner in which they come to Australia. People smugglers will probably laminate copies of this regulation and hand it out to IMAs, telling them that it shows that the minute they get to Christmas Island they are basically guaranteed a free passage to Australia, because that is what this regulation actually does. It has the effect of creating yet another avenue of judicial review for IMAs which they previously, prior to this regulation, did not have. One has to remember that judicial review is a great cost to the Australian taxpayer. It is the Australian taxpayer who pays for judicial review.

The regulation is also dangerous in that it clearly sends a signal to people smugglers that under the current Labor government, despite the spurious threat of offshore processing, once an IMA has been delivered to Australia they are effectively here for good. It represents a dramatic extension to the minister's announcement in November
2011 that he would allow IMAs to be released into the community on bridging visas prior to their applications being finalised and after initial checks had been completed. That November 2011 policy reversal was clearly designed to relieve pressure on the detention network, which had been straining under the increasing arrivals. The coalition was very critical of the announcement at the time, and the shadow minister for immigration, Scott Morrison, said:

Failed asylum seekers who arrive by boat will now be able to stay in Australia for years to pursue their claims through the Refugee Review Tribunal and endlessly in the courts, with broader grounds of appeal, while living and working in the community.

… A Government who claims to want to provide a deterrent on boat arrivals would never do this.

Senators will also be aware that sovereign governments have the right to determine who comes to their country and the manner and circumstances in which they do so. Most countries have migration acts which set out the terms and conditions of entry to ensure that the country's sovereign right is not in any way compromised.

In Australia the Migration Act 1958 is the statutory instrument that sets out the terms and conditions on which a person is allowed to enter Australia. Section 195A of the Migration Act provides the minister personal authority to grant a detainee a visa, whether or not on application, subject to the minister making his personal decision after considering the specific circumstances of the detained person. Section 195A of the Migration Act is couched in terms that, as set out in subsection (2), specifically require the minister to personally consider the facts before he or she makes a personal decision on the granting of a section 195A visa. The requirement of the personal decision was written into the Migration Act because the parliament in its wisdom determined that it was critical that a person who is directly accountable to the parliament exercises Australia's sovereign right to determine who will enter this country. Parliament was clear in its intent to ensure that such a decision was made by a minister because that minister could potentially be challenged on the floor of the parliament to explain his or her decision to the parliament.

The parliament also included a requirement, in section 195A(6), that the minister table his or her reasons for such a grant before each house of the parliament. This requirement for the minister to table their reasons for the exercise of their personal power was another safeguard that the parliament saw as critical to the process under the grant of a visa under section 195A of the Migration Act. Given the provisions of section 195A, the parliament further determined that the exercise of the minister's personal decision-making power was to be beyond the power of the courts to intervene in and that such decisions would be non-compellable and non-reviewable.

Senators should be aware that the regulations we are currently debating provide for the express requirements in section 195A to make the minister personally accountable for his actions to the parliament to be overridden and set aside and for the personal power of the minister to be delegated to a public servant. Further, there is no requirement to table any reasons for the public servant's decision in the parliament.

I quote from attachment B, which forms part of the explanatory memorandum to the relevant regulation:

This change will enable a delegate of the Minister in the Department of Immigration and Citizenship to decide subsequent visa applications for this cohort without requiring the Minister to consider using his personal power under section 195A. If a delegate of the Minister were to decide to grant a
visa, the Minister would not be required to cause to be laid before each House of Parliament a statement under section 195A setting out the reasons for granting the visa for each subsequent grant.

The coalition says this to Minister Bowen: by the Migration Act, you, as the relevant minister, are required to lawfully exercise the powers that the parliament has conferred upon you in the manner set out in the appropriate statute. You are not at liberty, nor do you possess the power, to delegate your personal statutory obligations to others. If you do not want to exercise the powers the parliament has given you then, quite frankly, you should hand in your resignation. A minister should not abrogate a personal duty for which he is personally accountable to the parliament in this way.

The minister needs to understand that, unless the parliament agrees that the minister should be able to abrogate his personal duties to the parliament, such a regulation is incompetent. The change represents a dramatic reversal of the accountability of the minister to the parliament, as is currently required by section 195A, and effectively extinguishes by regulation the statutory obligations of the minister when using his personal decision-making power, as set out in section 195A. In fact, I would be keen to hear the minister's explanation. Perhaps Minister Ludwig, if he chooses to address this motion, can provide the explanation to us of why the minister sought to gazette a regulation in an attempt to relieve the minister of various statutory obligations, rather than to come into the parliament and amend the principal act.

The effect of this regulation, if it is supported, is to enable visas to be granted, without the need for an application, at the discretion of public servants who will not be accountable to the parliament. This is directly in opposition to what is currently required by the Migration Act. I say 'not accountable to the parliament' because any issue affecting the discretionary exercise of this power by a public servant will be reviewable by the courts; it will not be an issue for the parliament. That is completely at odds with the minister's current responsibilities under section 195A of the Migration Act. This regulation effectively outsources to public servants the statutory obligations of ministerial decision making in the vital area of the discretionary grant of visas to IMAs and, quite frankly, is a gross abrogation of ministerial responsibility.

The coalition is appalled that the government and the Greens would seek to sell out the parliament for crass political purposes. It is also extremely concerning to the coalition that, as stated in the explanatory memorandum, no consultation outside the Department of Immigration and Citizenship was undertaken in the preparation of the measure in this regulation because it was required urgently. Surely the parliament is entitled to a comprehensive explanation of why there is an urgent need for a regulation that (a) seeks to override the express words of the Migration Act 1958 and purports to divest the minister of his express statutory obligations; (b) abrogates the personal decision-making power of the minister to public servants, who were not elected by the people, merely appointed by the government of the day; and (c) establishes a further avenue of appeal through judicial review of the decisions of public servants for people who arrive here unlawfully by boat.

This regulation also raises a number of very important issues that have not been addressed by the government—again, perhaps Minister Ludwig would be kind enough to address these issues if he chooses to address the chamber—but that could have very serious consequences in this important portfolio area. These issues include: what is
the effect of this regulation on those persons who are subject to the provisions of the Migration Legislation Amendment (Regional Processing and Other Measures) Act 2012, remembering that that amendment provided the minister with the discretion to determine that a person does not have to be taken to a regional processing country? Others issues it raises include an explanation of what criteria or conditions will prevent the bridging visa being granted by the public servant and an explanation of what criteria or conditions must be considered by the public servant prior to the granting of a bridging visa. Can the public servant actually refuse the grant of a bridging visa and, if so, why is the regulation expressed in terms of 'apply for and be given'? That is the current wording of that regulation: apply for and be given. What is the process undertaken prior to the granting of a bridging visa, or is this process merely an automatic rubber-stamp by a public servant once an application for a bridging visa is made? That therefore confirms exactly what the Sydney Morning Herald is currently saying in its article online, which is basically that asylum seekers are effectively here for good and allowed to live in the Australian community. Further, is the public servant able to grant a bridging visa to any person who arrived in Australia's excised offshore territory on or after 13 August 2012 and, if so, who?

I have to say that, for once, the press in their analysis have actually got it right. Minister Bowen, in making his further announcement today, has conceded that the detention network in Australia is now basically overwhelmed. This regulation shows that the government is desperate to keep as many people as possible out of detention as the cost pressures on the detention network escalate unsustainably. Perhaps this is the sole reason for the government bringing in this measure, because it will allow every IMA who has a BVE from the minister to apply for a bridging visa after that initial visa expires and have it granted by a public servant without reference back to the minister. A further visa will be granted automatically, subject to other provisions in the acts and regulations. However, every refusal of an application will open the door for endless appeals through the tribunals and eventually the courts, and it must be remembered that this will all be paid for by the Australian taxpayer.

The regulation effectively allows, and in most cases will likely force, the government and the minister to keep IMAs on bridging visas indefinitely. This is nothing more and nothing less than bad public policy, and it is clearly not in the national interest when it is completely at odds with the express provisions of section 195A of the Migration Act, which make this a personal statutory responsibility of the minister—a responsibility about which, by this regulation, the minister is throwing his hands up and saying to the Australian people, 'I cannot cope anymore, and because I cannot cope I am delegating my decision-making power under section 195A to public servants who are not accountable to the parliament.'

Basically, by this regulation the government is saying to the people smugglers and the people of Australia that mandatory detention is effectively over under the Gillard Labor government. By a stroke of the pen and with the introduction of this regulation, the government has removed any incentive at all for an IMA to return home. This is yet another step by the Labor government that will damage the integrity of our migration program. It is not in the interests of good governance and the proper exercise of ministerial responsibility. In the interests of good governance and in the
interests of ministerial responsibility, this regulation should be disallowed.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:31): If I can just inject some facts into this debate, I know that Senator Cash has made a range of unsubstantiated statements and claims about the regulation. I did listen intently to it. I was wondering at one point whether we were talking about the same regulation. I came to the conclusion that we were not. Be that as it may, can I say that much of the hyperbole that Senator Cash went to about what the regulation will or will not do is erroneous; I leave it at that. I can’t try to explain what the regulation does do and let people who listen to this make up their own minds about it.

What the regulation does is to reduce an unnecessary logistical and administrative burden on the Department of Immigration and Citizenship by allowing the department to manage irregular maritime arrivals in line with normal status resolution procedures—nothing more and nothing less. Previously the Minister for Immigration and Citizenship would use his personal non-compellable power under section 195A of the Migration Act to grant a bridging visa to an IMA for a specified time to release them from immigration detention while their claims for protection were being considered. However, as this power is available only if a person is in immigration detention as an unlawful noncitizen, when a person's bridging visa ceases—if you follow me to that point—what happens is that they have to be detained. They have to be gone after, got and put back in detention before they can be granted a new bridging visa. So the minister, under 195A, releases them for a specified time whilst their claims for protection are being considered—so they have already gone through their health, identity and security checks—and they are simply at one point of many on a positive pathway. But in this instance, when the time is finalised, they have to be detained and the minister, in this instance, has to reissue a new bridging visa.

These regulations enable the department to grant subsequent bridging visas to people for whom the minister has already personally granted a bridging visa prior to the expiry of their original visa, meaning that they do not have to be unnecessarily redetained and reducing the burden on both the department and the individual. This also enables the department to more effectively manage people within normal status resolution procedures, allowing appropriate conditions to be applied to bridging visas to encourage voluntary removal from Australia where a person has been found not to be a refugee.

Following on from the regulation itself, if it is disallowed then you will not have all of the issues that Senator Cash raised occurring, because they are fanciful. What you will have is that hundreds of people currently on bridging visas will need to be redetained in order to have their bridging visas renewed, at a significant inconvenience for the client. And for what purpose? Many of these people are already on a positive pathway, and there is an administrative burden in redetaining them when they have already had a health check and a security check, their application is currently being assessed and the minister has made the initial decision to put them on a bridging visa for a specified time. So all of that has already been undertaken. In many cases, redetaining can take several hours and require people who have found employment to take the day off work, and any children to take the day off school, simply to have their visa renewed. You wonder why Senator Cash would want to intervene in such a forceful manner, stop people from continuing their employment and continuing to manage their family and their children,
and make them go through this hoop again—other than that perhaps she might enjoy having them go through an administrative hoop twice. I do not think that is true.

On that basis I think that what has happened here—and it sometimes does happen—is that you read a conspiracy theory into a regulation and after a while it becomes truer the more times you read it. Can I again simply dispel that. Many of the allegations made (1) are completely unfathomable to me, (2) are wrong and (3) are, I think, not straw man reasoning either. I do not think that Senator Cash was actually trying to build a case that was wrong and then cut it down.

I think that where she has gone in this was just a mistake.

This regulation relates to the pre 13 August group. It is a change in the administrative arrangements only, and that is all. Let me say that again so that no-one misses this point: this regulation relates to the pre 13 August group. It is a change in the administrative arrangements only, nothing else. It is a very short, very sharp statement. It is a way of ensuring for these groups of people that the administrative burden, which I went through very carefully, is reduced. It actually means that the department, the person who is subject to the bridging visa and the general public will not be inconvenienced by this. It is a very easy regulation to read and understand. Surprisingly, all of what I have just said is said in the explanation issued by the Minister for Immigration and Citizenship, Mr Bowen.

I am at a loss, quite frankly, to understand where Senator Cash read all her lines from. I think I have addressed much of what she asked me to address in the short, simple statements that I have had an opportunity to add today to this debate, because without the regulations people must be redetained every time their bridging visa expires. They must be physically redetained for the minister to renew their bridging. Why would you put people through this if you could, through regulation, change it? Fundamentally nothing else changes. Just so that we do not miss the point, 195A, the substantive provision under the act, does not change. There is no change to that. The form does not change; the criteria do not change; the process does not change, save for this one piece: the minister after initially issuing the first bridging visa can delegate to the department to do the remainder while the person is in the process. That is quite a simple thing. It is quite an easy thing to grasp. I fail to understand why the opposition have not grasped that, but I do not hold out much hope that they will or even that with my explanation they will acknowledge what 195A and these regulations say.

Finally, there is no appeal. There are no changes to the appeal mechanism, so all of the things that I listened very carefully to Senator Cash saying are wrong. Nonetheless, I am sure she believes them. With those short words, I commend that we should not have this regulation disallowed. It is a sensible change. I would ask those in the chamber who perhaps are a little more rational on this issue to agree that—

Senator Cash: Your friends the Greens are definitely more rational!

Senator LUDWIG: I knew I would get you eventually. I would ask that those people agree that this should not be disallowed.

Senator HANSON-YOUNG (South Australia) (17:41): I am glad to hear the minister be very clear about the fact that this change to the bridging visa regulations is not going to impact on those people who have arrived since 13 August, in relation to the announcement that the immigration minister made today saying that this government is
about to embark on a whole new regime of temporary protection visas. The idea of allowing individuals to have their claims assessed while living in the community if they are not a risk to the community saves the taxpayer ultimately hundreds of millions, if not billions, of dollars. We know that immigration detention is an expensive operation. Keeping people in detention is costly to the taxpayer and costly to the mental health of individuals and, of course, does nothing to deter people from arriving in Australia seeking our protection. All you need to do is look at the impact over the last few months to see that these types of policies do not stop people running for their lives and seeking protection.

I am concerned, however, that the government is embarking on a new regime to keep those people who have been assessed as genuine refugees on bridging visas. That is what the minister has announced today. We are hearing from Minister Ludwig in the chamber right now that that is not in relation to this regulation and that this regulation is all but administrative. I wonder whether there could be an indication from the government as to whether there is going to be a new regulation for those people who have arrived post 13 August and who will be subject now to the minister's new announcement in relation to not being given a permanent protection visa because of the government's no advantage policy. If I could have an answer on that, then I think I would be able to indicate the Greens' position on this disallowance motion. Without that, it makes it a little bit difficult.

**Senator CASH** (Western Australia) (17:44): The minister says that the coalition is actually right in relation to its summation of the legislation because this government has been proven to have lied to the Australian people time and time again. The minister also says, by way of his explanation for this regulation, that this is a way of allowing the department to now manage the situation. I say this to the minister: perhaps if you had not rolled back the Howard government's strong border protection policies, we would not be in the position that we are in today in having to debate a regulation that is effectively going to get rid of mandatory detention in Australia. Perhaps if you had not rolled back the Howard government's strong border protection policies, the other day we would not have had to appropriate yet a further $1.67 billion of Australian taxpayer money for the infrastructure on Nauru and Manus Island. Perhaps if you had not rolled back the former Howard government's strong border protection policies, there would be an additional amount of over $6 billion for this government to put towards issues like health services, more hospitals and schools, which the Australian taxpayer actually needs.

But instead, because of the government's gross incompetence when it comes to managing Australia's borders, we have now seen in excess of 30,000 people come to Australia by boat, and this regulation merely gives the people smugglers another product to sell. It allows the people smugglers to say to irregular maritime arrivals who will be here, 'Once you have a bridging visa and you have been let out into the community, guess what: you are not going back into detention'. That is exactly what the minister has just confirmed. He has actually confirmed that the whole reason why the government is bringing in this regulation is: it does not want to have to send people back into detention.
I know why the government does not want to have to send people back into detention. It is because there are no beds at all in detention. Christmas Island is now at capacity. On Christmas Island people are now back in tents, and we all know what happened the last time that people were in tents on Christmas Island as that script has already been written for the Australian people. There were mass riots on Christmas Island. Untold damage was done to Australian taxpayer property on Christmas Island. Because of the sheer quantities of people that were coming here by boat the detention centre could not cope. So when the minister stands up and says that one of the reasons for this regulation is to allow the department to better manage the bridging visa process, I have to say that it is one of the poorest excuses that I have ever come across in my life. In fact, it is an absolute cop-out given the real reason that this regulation has been brought before the Senate. The government has completely, totally and utterly failed when it comes to managing our borders, and that is the reason why the minister, instead of revisiting a decision and then personally making it himself—as section 195A of the Migration Act states the minister should do—he has thrown his hands up in the air and he has said, 'It is all too much for me.'

The reason it is all too much for the minister is the sheer quantity of numbers. There is no other reason at all. If you had only a trickle of boats coming to Australia, the minister, quite frankly, could personally exercise his discretion under section 195A of the act. But when you have the sheer quantity of people coming to Australia and you have no further beds in detention, you only have to look at the minister's announcement today. In Tasmania they opened Pontville, they closed Pontville and—guess what—they have re-opened Pontville today because there are just no beds in the detention network so they have now had to re-open a detention centre that they had closed.

When you have a detention centre system that is now crumbling under political incompetence, you make the decision that the minister has made. When someone comes here, you get him in and out of Christmas Island as fast as you can because the longer they are there the more likely it is that another boatload of people are going to arrive and you are not going to have anywhere to put them. So you get them into Christmas Island and then you get them on to the Australian mainland as fast as possible. You might select one in 500-odd—I do not know the number—who might go to Nauru or who might now go to Manus Island, but the majority—in fact, almost all—of the people who are arriving on Christmas Island are then coming straight to the Australian mainland.

We all know what happens when they come to the Australian mainland. They get released into the community, they are able to live, they are able to work and they are effectively Australian residents indefinitely. That is because by this regulation the minister is saying, 'I don't need to deal with these people anymore. I've had enough of them. There are too many of them. I can no longer cope because our detention network is at capacity'—and the minister is right about the detention network because goodness knows where they would actually put them. That is a nightmare for the government. Could you imagine if that were to actually occur? He has delegated, he has relegated and he has abrogated—you name it and the minister has done it—his duty to unelected public servants. Section 195A of the Migration Act is very clear. This is a personal power of the minister. The parliament has expressly given the minister
this personal statutory authority and regardless of what Minister Ludwig says on his analysis of the regulation you need to remember that Minister Ludwig is part of a government that said there would be no carbon tax at all 'under our government' and, lo and behold, Australians have not only a carbon tax but a carbon tax under which the price on carbon is going to be going up and up and up despite what is going on in Europe and despite the fact that a recent poll has shown that 38 per cent of Australians now believe that they are worse off because of Labor's carbon tax.

Why would you believe a minister who has the audacity to be part of a government whose leader said to the people prior to the Australian election, 'There will be no carbon tax under a government I lead,' and who then comes in here and tries to fudge his way through the reasons for this regulation?

It is very simple. The Labor government thought they were smarter than the Howard government. They thought: The Howard government stopped the boats. They may have stopped them but we can do one better than that.' We all remember what happened in August 2008. Mr Rudd said: 'I'll show that Mr Howard. Not only did he give the people a $22 billion surplus; he stopped the boats. But I can do better than that.' And I have to say that they have, but not in a good way: net debt is $150 billion or $157 billion today, and for gross debt you can add another billion dollars onto that; lift the debt ceiling three times; and wind back the proven border protection policies of the Howard government. Fast forward four years, and guess what? That is the reason we are standing here today: not because the government has suddenly worked out what to do with immigration policy in this country but because the government has shown that it is completely incompetent when it comes to managing Australia's borders. They are desperate.

They are so desperate that a minister—quite frankly, when you become a minister, you are actually normally quite proud that you have been given by the parliament certain responsibilities, statutory authority, under acts of parliament. Most ministers like to exercise the personal responsibilities that the parliament has given to them as ministers. But not this minister. I have to say that you almost have to feel sorry for Minister Bowen because, if there were any portfolio that you would not want in government, this is it. He cannot give this portfolio away, for very good reason.

That is why we are here today: because the Labor government have failed yet again to secure our borders and, as a result, over 30,000 people have come to Australia by boat. As I said, the minister has today effectively conceded that the immigration detention network is not just at breaking point but actually broken. Let us be real about this. It is no longer at breaking point. The immigration detention network in Australia has effectively crumbled under the weight of Labor government incompetence. There is no room at Christmas Island. People are in tents. There is literally a simmering pot of tension on Christmas Island. As a result of that, here we are, talking about this regulation. As I said, the minister has thrown up his hands and said, 'It's all too much for me.' He has abrogated the responsibility given to him, regardless of what Minister Ludwig says. Under section 195A of the Migration Act he has delegated his personal statutory responsibility to a public servant. That public servant is not accountable to the parliament, as the minister is. In November 2011, the minister announced that they would be allowing detainees into the community, and Scott Morrison said:
Failed asylum seekers who arrive by boat will now be able to stay in Australia for years to pursue their claims through the Refugee Review Tribunal and endlessly in the courts, with broader grounds of appeal, while living and working in the community.

A Government who claims to want to provide a deterrent on boat arrivals would never do this. Unfortunately, we are not dealing with a government that wants to do this. As such, the coalition does not believe that this regulation is in the national interest. It does not believe that this regulation is in the interests of good ministerial responsibility, and we urge the Senate to disallow this regulation.

The President: The question is that the motion moved by Senator Cash be agreed to.

The Senate divided. [18:01]

(The President—Senator Hogg)

| Ayes | 37 |
| Noes | 25 |
| Majority | 12 |

AYES

Back, CJ
Birmingham, SJ
Boycott, P
Bushby, DC (teller)
Colbeck, R
Di Natale, R
Egglesston, A
Hanson-Young, SC
Johnston, D
Kroger, H
Macdonald, ID
Milne, C
Parry, S
Rahman, L
Ronaldson, M
Ryan, SM
Siewert, R
Smith, D
Whish-Wilson, PS
Wright, PL

NOES

Bilyk, CL
Bishop, TM

Cameron, DN
Carr, RJ
Farrell, D
Feeney, D
Gallacher, AM
Ludwig, JW
McEwen, A
Moore, CM
Pratt, LC
Stephens, U
Thistlethwaite, M

Conroy, SM
Urquhart, AE
Lundy, KA
Evans, C
Collins, JMA
Wong, P

Question agreed to.

BILLS

Clean Energy Amendment (International Emissions Trading and Other Measures) Bill 2012
Clean Energy (Charges—Excise) Amendment Bill 2012
Clean Energy (Charges—Customs) Amendment Bill 2012
Excise Tariff Amendment (Per-tonne Carbon Price Equivalent) Bill 2012
Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Per-tonne Carbon Price Equivalent) Bill 2012
Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment (Per-tonne Carbon Price Equivalent) Bill 2012
Clean Energy (Unit Issue Charge—Auctions) Amendment Bill 2012
Second Reading
Debate resumed on the motion:
That these bills be now read a second time.

The ACTING DEPUTY PRESIDENT (Senator Stephens): Senators, if you are not participating in this debate, could you please move.

Senator BIRMINGHAM (South Australia) (18:04): I rise to speak on the Clean Energy Amendment (International Emissions Trading and Other Measures) Bill 2012, which is part of a package of legislation that once again demonstrates—the Prime Minister, in a deal with the Australian Greens, determined that there would be a carbon tax under this government that she leads. Having implemented that carbon tax, having struck deals with the Greens and the crossbenchers to get it through, we now find, months later, that the government is introducing significant changes to the carbon tax. We have heard through the committee process that these changes have been lacking greatly in consultation.

The Australian Industry Greenhouse Network submitted to the Senate inquiry that:
… the ability to comment in detail on the original significant policy changes was limited by the lack of previous consultation and limited explanatory notes, as well as limited time for appropriate and comprehensive analysis of the issues. The Australian Petroleum Production and Exploration Association highlighted that:
… the consultation process that has given rise to this package of bills has been inadequate.
Again we see policy on the run from this government, legislation on the run from this government—significant flaws that continue to do damage to confidence in the Australian economy and our standing as an investment destination.

What do these bills in particular do? The government will say, no doubt, the highlight measure of these bills is the linkage to Europe—that these bills will provide and facilitate initial linkage for Australia's carbon tax with the European ETS. 'Linkage' is one word for it; 'outsourcing' might be another. 'Handing over of complete control' is really in many ways what is occurring—because it has become clear that this is very much a one-way street. Initially, in fact, it is completely a one-way street. The deal that it is being done to date is solely for Australian companies to be able to buy European
permits, but there is no opportunity for investment or activity in the other direction. So it is a one-way street in that regard.

But more significantly, because of the nature of the European scheme and the nature of the deal being struck, we see a situation where effectively the price of the carbon tax in Australia in future will be determined by decisions in Brussels rather than decisions made in Canberra. The price of the Australian carbon tax will be influenced by what happens to the price of the European ETS—directly influenced by what happens in that regard. We had that clearly stated by none other than the secretary of the Department of Climate Change and Energy Efficiency during Senate estimates, who made it very clear. I will quote the question that I asked of Mr Comley:

Senator BIRMINGHAM: If Europe were to take steps that saw them adopt a more ambitious target than they currently have, that would result in a higher carbon price in Europe and therefore a higher carbon price in Australia?

Mr Comley: Other things being equal, that is right.

That is right. If Europe decides to adopt more ambitious targets for emissions reductions it will result in a higher carbon price in Australia. I went on and asked Mr Comley:

Senator BIRMINGHAM: If Europe were to, as they are discussing doing, potentially restrict the number of permits that are available, that would result in a higher carbon price in Europe and all other things being equal, a higher carbon price in Australia?

Mr Comley's response:

That is right.

So: from none other than the secretary of the Department of Climate Change and Energy Efficiency, clear confirmation that the policy decisions taken in Europe, in Brussels, as a result of this linkage will have a direct impact on the rate of the carbon tax, the carbon price, in Australia. That, of course, is well recognised by those who made submissions to the Senate inquiry.

Qantas made clear their views, saying:

Of concern to Qantas is that the EU will have the ability to artificially control the price of carbon in Australia and the impact on Australian industries through the EU carbon price.

Qantas were not the only ones. The Cement Industry Federation also highlighted the fact that:

… it appears Australia has very little say over any major scheme changes that are contemplated by the European Union.

And:

The CIF is concerned that Australia's future scheme design, the setting of caps and the inclusion of allowable offsets, may be unduly influenced by the European Union …

So we see very, very clearly that what is highlighted as a hallmark feature of this legislative package—the EU linkage—in fact will leave us in a situation where Australia's control of the destiny of our carbon tax is limited because the European scheme will have a direct impact on the rate of that carbon tax.

We also see that it has had an impact on policy at international climate change negotiations. The Climate Institute appeared before the Senate inquiry and, in very prescient evidence, Mr Erwin Jackson from the Climate Institute said:

… our [Australia's] posture on the Kyoto protocol over the next few months will be important.

Why did he think it would be important? He thought it would be important because:

We have an agreement with the European Commission but that needs to be ratified by member states in terms of a mandate to negotiate a treaty. If Australia is not playing ball in Doha and not playing ball in Kyoto, that will have an impact on how European member states view the
negotiation of the links between the two schemes …

What Mr Jackson is suggesting is that it would be necessary, in terms of playing ball on Kyoto—namely, a second commitment period for the Kyoto protocol—that European member states would see it as a condition for the negotiation of a treaty, for Australia to indeed take those steps, despite some of the preconditions that the government had previously set out for doing so. Miraculously, what happened in the last couple of weeks? Mr Jackson's predictions came true and the government has given the green light to that second commitment period, just as Mr Jackson predicted we would do, so as to allow and facilitate the approval of those European member states for the negotiation of the treaty.

So already we have seen that this deal is impacting on policy decisions in Australia. Already we have seen that this government is changing its policy approach to a second commitment period under Kyoto in response to the deal that it has signed with Europe. That is before we get to the point where, of course, we will see the higher prices or the influence of Europe set the rate in terms of Australia's carbon tax.

It is not just the influence that is of concern; it is also whether that influence comes from a scheme in which one can have confidence—whether there is integrity in that scheme. Extensive evidence was given by the University of Queensland. We heard from representatives of the University—Professor Paul Frijters and other academics—that there are real concerns about the integrity of the EU scheme. He talked about the verification approaches undertaken and, in doing so, highlighted that there was no uniform mechanism for the verification of what people report under the EU ETS. We know that in Australia we have had a greenhouse emissions reporting scheme in place for many years, predating the carbon tax. But in Europe they have a verifier that looks at the documentation provided. According to the witnesses from the University of Queensland, the verifier is supposed to do spot checks—but as yet there is no operational peer-review mechanism for these verifiers and hence there is a strong possibility that people choose the verifiers that go easy on them. That is, of course, an unverifiable statement in itself—precisely because there is no peer-review mechanism as yet. 'It is a murky world of verifiers,' was the evidence that we heard.

They claimed to have gone through some of the actual documents which verifiers have to send in and there was a lot of room for interpretation, or manoeuvring, in what we saw; there was a lot of room to manoeuvre on what you actually counted as the fuel that went into a company. There is the fact that there are different applications in place across European member states as to how their ETS works. Again, the University of Queensland highlighted that the incentives to, as it were, penalise your own companies are very limited within the European Union. These were some of their main concerns about why it is that we cannot have confidence in the nature of that European scheme.

The Institute of Chartered Accountants in Australia also highlighted concerns and indicated that in the EU emissions trading scheme there had recently been various instances of integrity issues around registry security and fraud. Then there are the issues not just of integrity but of how Europeans may deal with what is being seen as a problem of overallowance and overallocation. Again, the University of Queensland noted the potential for Australia to find itself in a situation where Australian companies are buying spare permits from the European Union without anything at all
happening to overall carbon emissions—highlighting the futility and potential pointlessness of this exercise.

There are differences that exist as well. The European Union scheme, for all that it is held up as the grand design, does not capture such things as fugitive emissions, unlike the Australian scheme. The Australian Coal Association argued that in the EU the majority of permits have been, and continue to be, allocated without charge to the traded sector during a lengthy transitional period. The linkage with the EU ETS highlights the disadvantage imposed on Australian producers.

This legislation does not just link to the EU. It also provides for the abolition of the floor price that was in the carbon tax initially passed by this government. Why did they have a floor price in their legislation? According to Ms Gillard on 13 September 2011, the floor price:

... will limit market volatility and reduce risk for businesses as they gain experience in having the market set the carbon price.

As recently as August this year, Mr Combet argued that they were 'committed to the arrangements we have legislated'—commitments that I am sure Senator Milne thought would hold true. Time and time again the government restated its commitment to the floor price. They argued that it would provide confidence. In July this year Mr Combet said:

We've put in place a floor price and a price cap to provide some confidence over the first few years about the potential variability of the price.

Again, Mr Combet on the floor price:

This will reduce risks for businesses as they gain experience in having a market set the carbon price.

In this place, Senator Wong said:

It is the case that our policy does include a price floor which acts as a safety valve for investors in low-emissions technology by establishing a minimum price for the first few years of a flexible price period.

So much for safety valves; so much for the reduction in risk; and so much for the need for extra confidence that the government argued required this floor price. Within a few months the government has been all too happy to abolish it. Once again, it is an example of this government advocating and arguing for one thing and doing completely the opposite. That is what we have seen here; that is what we have seen throughout the carbon tax debate. And this is just another example.

Even advocates for some of these changes such as the Climate Institute have argued against the abolition of the floor price and highlighted again to the Senate inquiry some of what they thought were the beneficial effects of having a floor price. The coalition is not defending the existence of a floor price. Frankly, on this side we do not believe there should be a carbon tax at all. But we highlight that it was the government that put in place a floor price, started a carbon tax in July of this year and has now ditched that floor price it said was so necessary for certainty.

Despite all of these changes—the abolition of the floor price, the link to the EU and so on—what has been remarkable is that the government has provided absolutely no updated modelling and no evidence of what they expect the forward revenue of the carbon tax to be. It is still based on modelling that is now years old.

Again, we have seen that those who may actually give some serious thought to these matters are not willing to stand by that modelling. Mr Comley, the secretary of the Department of Climate Change and Energy Efficiency, indicated again during Senate estimates that he had no confidence in what the modelling suggests the carbon tax will be
in the years to come. When asked whether he stood by the idea that it would be at $29 when the fixed price period ends, the best we could get from Mr Comley was:

I do not think the current market estimate is implausible.

When asked whether Senator Milne's prediction of a $50 carbon price could come true, Mr Comley said:

It is true … that in the recent past the European Union allowances did trade up to $50. … In the sense that European Union units have traded at that price so is it completely conceivable, it is not completely inconceivable.

So it could be $29 per tonne; it could be $50 per tonne. There are those who argue it could be less. The Climate Institute argued:

What can be predicted with confidence is that based on the proposed linkage and limits, Australian carbon prices in 2020 will likely be substantially higher than the recent forecasts … That is what the Climate Institute told the Senate inquiry—'substantially higher than the recent forecasts'. So Labor's carbon tax, with its spread of costs across the economy that are already forecast to keep going up, according to the Climate Institute, will, in 2020, as a result of the changes in this legislation, be significantly higher than is forecast.

This legislation also makes a lie of government promises that they are interested in achieving lowest cost abatement. Why? Because it imposes a 12½ per cent quota on what is alleged to be the lowest cost abatement—the CDMs, the Kyoto carbon units. So, on those areas where the government have said, 'We're all about getting, through international linkage, the lowest cost abatement result,' they are now suddenly saying, 'But you can only do that for 12½ per cent'—another measure that was roundly condemned by a range of submitters to the Senate inquiry.

Whether it is in debates about lowest cost abatement, floor prices or the like, we see once again through this legislation a government in chaos, changing this big policy just after a few months, and doing the opposite in so many instances of that which they promised. (Time expired)


What a disgraceful performance! At some point Senator Birmingham ought to have acknowledged that the whole point of the legislation that we have before us, the whole point of the emissions trading scheme which we have—and he persists in calling it a tax; it is an emissions trading scheme—is to try to reduce greenhouse emissions, consistent with the challenge we have with global warming.

I would remind the Senate that a new report for the World Bank that has been out this week, done by leading climate scientists at the Potsdam Institute for Climate Impact Research, has concluded that the planet is on track to heat by four degrees by 2100 if governments fail to change direction. Four degrees—that is an unliveable planet. This is the challenge that we are now trying to deal with.

The coalition obviously has no interest whatsoever in addressing the fact that global warming is accelerating. We should recognise that all the efforts we are making are not enough. We have to be doing far more. There have to be far higher levels of ambition than the currently agreed five per cent that the coalition thinks is adequate. I can tell you it is not adequate. The President of the World Bank, Dr Jim Yong Kim, notes that the impact of four degrees of warming would be devastating—there would be

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inundation of coastal cities, unprecedented heatwaves in many regions, extreme weather events and irreversible loss of biodiversity, including coral reef systems. He said that he hopes the World Bank report will shock us into action. Well, the World Bank has got another think coming. Nothing will shock the Abbott-led coalition into action, it would seem—nothing at all.

This report by the World Bank follows on from the report by the International Energy Agency, which says we are currently on track for 3.6 and greater degrees of warming. It says that only by leaving two-thirds of the fossil fuel reserves in the ground can we have a 50 per cent chance of avoiding two degrees of warming. I am going to say that again because the government needs to hear this, with its mad dash for coal seam gas, expanded coalmining around the country and massive increases in coal exports—again supported by the coalition. The International Energy Agency, not renowned for being a rabid green body, has said that two-thirds of fossil fuel reserves have to stay in the ground if we are to have a 50 per cent chance of avoiding two degrees of warming.

This is the challenge before us. It was the basis on which the Greens negotiated with the Prime Minister to provide government to the Labor Party; it was in exchange for delivering a carbon price in this period of government. Yes, the Greens drove that as part of the negotiation. It is why Labor is in government. And I am very proud to say that we now have a clean energy package negotiated in this period of government, and it will be the single piece of legislation for which this government is remembered in the longer term.

I say again that the International Energy Agency has said just this week—and I know that Senator Birmingham will not be able to stand to hear this, but I am going to report it to the chamber—that Australia's carbon price scheme is 'an example of the standard of leadership that the International Energy Agency has been calling for so that the energy sector can be protected from sudden and vacillating climate policy that paralyses investors and disrupts energy markets'. That is from the International Energy Agency. It goes on to say that Australia's implementation of carbon pricing marks 'the first major fossil fuel energy resource rich economy to take the most cost-effective mitigation measures'. It goes on to encourage supplementary policies to the carbon price that are required to successfully make a transition to a low carbon economy. It welcomed the establishment of the Clean Energy Finance Corporation—$10 billion into renewables. Of course the coalition opposes that, but the International Energy Agency recognises that it is a necessary complementary measure. In fact, the IEA calls for a further increase in energy efficiency and fuel efficiency.

What it says is that the design of the emissions trading scheme fits well with the International Energy Agency's findings on lessons from international experience, but with the exception of the free permits and cash given to coal fired generators. Once again the IEA and the Greens are totally in line here and completely out of sync with both Labor and the coalition, because the Greens do not want free permits and cash going to the generators. I foreshadow here, Mr Deputy President, that I have an amendment, which has been circulated to the chamber and which will go into the committee stage, to refer to the Productivity Commission the generosity of those gestures, that support and those subsidies to the coal fired generators.

I want to come back to the substance of the debate, the linking to the EU. Throughout the negotiations with the government on the
carbon price, the Greens were concerned that, if we went with the hybrid model and we had the fixed-price period, we did not want the price to completely collapse at the end of the fixed-price period. You had to give some certainty into the future about a price trajectory for business so that they could start making decisions based on that. Once you lost the fixed-price period the problem always was that the price would collapse to the CER price because 50 per cent of the permits would be able to be bought overseas. That is the cheap price—the CDM price. It is cheap because of the lack of verification for a lot of those particular permits. Anyway, it would have collapsed to that, and the CER price is extremely low.

The Greens wanted to make sure that we went through the fixed-price period, and we got a floor price out. We actually wanted a floor price for much longer than three years, but we settled on three years as part of the negotiations. However, our big concern was always that come 2018 we would have a situation where we would fall off the price cliff again, and we would be back to the CER price. So we would have the fixed-price period, the floor price period and then go back to the CER price, which was likely to be very low. That was always a concern for the Greens.

So, when the opportunity came to link with the EU, we embraced it because it meant that the price would be the European price into the future; it would not be the CER price. I make this point specifically here because people often have this throwaway line, saying: 'Oh, if only the Greens had supported Kevin Rudd's CPRS. We would have had emissions trading earlier.' Yes, we would have, and what we would have had is a five per cent reduction target—completely, utterly and absolutely inadequate for the task of global warming—and no mechanism to increase the target. We would have been stuck with it. Because it allowed for unlimited overseas permits, as in up to 100 per cent, do you know what the price would be today, Mr Deputy President, if we had had the scheme agreed by Kevin Rudd and Malcolm Turnbull, both members in the lower house? It would be one euro. The price today would be a five per cent target and a carbon price of one euro, which I think at the moment is about $1.25 or $1.30—something like that. That is what the price would be.

Anyone out there who deludes themselves into thinking that Mr Turnbull and Mr Rudd had negotiated some marvel need to know that it would have been a five per cent target and $1.25 for the price. What sort of transformation in the Australian economy would there have been at a price of $1.25? Zero, zilch, none, I can tell you, Mr Deputy President! What is more, you would not have had the Clean Energy Finance Corporation put $10 billion into renewables; you would not have had the Carbon Farming Initiative; and you would not have had the $1 billion over six years into the Biodiversity Fund either.

So, when the opportunity came to link with the EU, the attraction for the Greens was that the EU would not link with Australia if there were a 50 per cent capacity to buy those CER cheap permits. They insisted that that come down. Bringing the CER limit down to 12½ per cent so that it is still possible to buy 50 per cent of your permits overseas, but with only 12½ per cent being the cheap CERs, means that the effective price for the Australian scheme at the end of the fixed-price period when it goes to flexible pricing will be the European price. And the European price means that anyone in Australian business now has price certainty in the trajectory, because they know that the price is going to be the European price and they can start planning for that.
As to this argument about a loss of sovereignty, that is an utter nonsense. Under the previous scheme, which Mr Turnbull agreed to, the Australian scheme price would, as I said, be set by the CER price, and that reflects primarily the Chinese price. If you want to go down the argument of overseas sovereignty, if you go with the CER price you are dealing with the Indian and Chinese price; if you go with the European Union your global price is your European price.

The good thing about the linking is that it is a significant step towards the global carbon price. It means that we are now linked with an emissions trading scheme covering 27 countries. It encourages linkages with other emissions trading schemes. We know that one is being introduced in South Korea and we know, for example, that just this week the first round of permit auctions also took place in California. That will be the world's second-largest emissions trading scheme. It is the ninth-largest economy in the world, and, whilst at the moment California is saying that it is not linking, just this week also I think that Parliamentary Secretary Dreyfus said that the two governments were setting up a forum to share experience and that the scheme designs were similar. What that suggests is that into the future there may be a possibility of linking with subnational schemes such as the Californian scheme. Certainly, China is going down the path where its pilot schemes are larger than the whole Australian scheme—its pilot schemes! So the big opportunities are there for that kind of linking.

As I indicated, we now have the issue where, yes, we have given away the Australian floor price. But we are doing so on the basis of: what will the European price be by the time we go to flexible pricing in 2015? If the European price is higher than the floor price, then we have set ourselves on exactly the trajectory where we were, if not better. The question is: what will the European price be in 2015? Of course, I do not know that. Forecasts are highly uncertain, and it depends on the state of the European economic recovery. But what I do think that I can definitely say is that the Australian carbon price will be higher from 2018 onwards under the linkage with the EU than for the previous scheme, where the price would have been set by China and India and be the CER price in 2018.

Now, the forward price for European Union permits currently ranges from A$11 to just under A$14, and reforms can be expected to lift the price. Currently, the European Union is engaged in a reform process. The European Commission will present a draft amendment to the EU's Emissions Trading Directive to backload 900 million permits to the Climate Change Committee next month. That would push back 900 million permits from 2013-15 to 2019-20, and I know that the European Union is trying to not only backload them but actually take them out and eliminate them from the scheme, therefore permanently driving up the price by taking out a whole lot of the permits in that auction scheme.

Coal-dependent Poland is currently opposed to the measure that the European Commission is trying to take, but Poland would need the support of several other members to block the move. A three-month scrutiny period is required. The ballot could occur in April 2013, but analysts are now generally expecting that it should go through the European Parliament for ratification in the second half of 2013. In fact I understand that the European Commission is also checking on whether it actually needs to get it through the parliament. But, either way, we can expect that next year this process of
taking out 900 million units will occur, therefore driving up the European price.

That is the issue that the Greens looked at carefully. We are seeing that their forecasts for the European permit price in 2015, if this backloading can occur, range from 15 to 20 euros. If the European Union gets the backloading through next year, the projected price is 15 to 20 euros, and I remind the Senate that the floor price was going to be $15, $16 or $17 from 2015, 2016 or 2017. So, if indeed this backloading occurs, the Greens had argued that the valid reason for deciding to go with the European linkage would be that the price would be greater than the floor price, but the benefit is to give Australian businesses the price trajectory of Europe on which to base their thinking, and they would know that that is what they will be working on and why they will be doing it.

The European Commission also identified six options for structural reform to complement the backloading, such as tougher targets or cancelling permits, as I mentioned. That will take longer, but nevertheless it suggests to me that there is considerable thought going on in Europe about structural reform and, if that structural reform goes ahead, then clearly it could be an even better outcome in terms of carbon pricing.

When I say 'an even better outcome', I am talking about a higher price. We need to drive this transition to a zero-carbon economy as quickly as possible, and the best way of doing that is through the price. That will bring on renewable energy, the 100 per cent renewables we need, especially in conjunction with the $10 billion Clean Energy Finance Corporation and ARENA, which also the coalition want to abolish.

So you have a situation where all the coalition want to have is a five per cent reduction target, which is nowhere in the ballpark of what is necessary, and, after that, where are they going to get the money from to be able to do this? Tony Abbott, the Leader of the Opposition, goes out saying that he is going to abolish carbon pricing. That means that there will be $70 million a year, which is currently going to Tasmania for the hydro as a result of carbon pricing, gone. That is the windfall that I have delivered and this parliament has delivered for Hydro Tasmania. Seventy million dollars a year into the Tasmanian economy will be gone. The coalition will be voting against that. Senator Abetz will be taking that out of Tasmania.

Then we have the tax-free threshold. Until now the situation has been that you pay tax once you have earned $6,000. Now you do not pay tax until you have earned $18,200, and the coalition are going to say, 'Sorry, guys, you are going to go back and pay tax when you have reached $6,000.' If they do not, where is the money going to come from to be able to finance that change to the tax system?

Then you have the billion-dollar Biodiversity Fund. Only yesterday I spoke to rural leaders—some of them youthful, some of them not so youthful—from around the country. They really appreciate the Carbon Farming Initiative and, indeed, the Biodiversity Fund, because they are enabling connectivity in the landscape and paying them for stewardship that they did not formerly have, and they want that to continue.

So we have a situation now where the coalition is refusing to acknowledge the size of the challenge on global warming. We cannot afford a world with four degrees of warming. Five per cent is nowhere near the ballpark. I think it is a disgrace that Australia is signing onto the Kyoto protocol second commitment period and putting in a five per
cent target. It is nowhere near enough. I am afraid that in Doha this year the rest of the world will see Australia's five per cent as locking in such a low level of ambition that it could actually undermine the capacity of getting to a global treaty by 2015 rather than driving it. I would have liked to see the government recognising all of the science, particularly the latest science that is coming in.

The government now has before it the draft IPCC report, the Intergovernmental Panel on Climate Change report. It has got that report. It knows how bad the science is showing the world is becoming under a warming scenario. Any kind of leadership on climate change would have said that it is time for getting ourselves onto a radical shift towards the low-carbon economy and getting on with it.

Instead of that, there is a decision to stick with five per cent, which is so far away from what is needed, and so drastically bad for our children and future generations. I look at the science and think to myself: how can people sitting in this parliament, thinking about future generations and intergenerational equity, possibly be thinking that it is appropriate to allow to get in place the feedback mechanisms from which there will be no return? That is the tragedy here. We are the first generation of people who will determine what life is like for every generation after us in a way that is irreversible. That is a shocking responsibility. It is a huge load of responsibility for us to carry, and this parliament is not shouldering that load to anywhere near the extent necessary.

The Greens are the only people in this parliament saying that the climate challenge is real, is urgent and needs to be dealt with at a level of ambition beyond where we are now. But the link with the EU improves the carbon price. That is why I negotiated with Minister Combet to get the outcome that we have. We talked about it for several months. I am pleased with this outcome, and I would hope that the Senate will now support the Greens, when we get to the committee stage of the debate on these bills, refer to the Productivity Commission the absolutely excessive money going to coal fired generators and free permits and have them cut right back, because it is not justified by one iota. (Time expired)

Senator THISTLETHWAITE (New South Wales) (18:45): I support the passage of the Clean Energy Amendment (International Emissions Trading and Other Measures) Bill 2012 and the other clean energy bills. Yesterday, Senator Mason made a rather boisterous contribution to the matter of public importance debate, where he made the point that it would be irresponsible for this generation of political leaders to pass on to the next generation and future generations the cost of policies and inaction. I must say that, when it comes to this particular policy area, I agree with him. But his words were hollow, because that is exactly what the opposition are doing in not supporting these bills and by pledging to wind back the emissions trading scheme should they come to government.

That was a point that was made quite well during the hearings of the Senate Select Committee on Scrutiny of New Taxes, which looked thoroughly into Labor's carbon price regime. On 20 August 2011 in those hearings Ms Meghan Quinn, general manager of the Macroeconomic Modelling Division for the Department of Treasury, made the point that delaying will cost future generations much more. She said:

The analysis that we did suggests that a delay in global action by three years adds around 20 per cent to the first year of global mitigation costs
and delaying entry by a further three years adds a further 30 per cent to the first year of mitigation costs. This suggests that, as you delay, the costs only get greater through time …

The costs of delaying action on climate change will be passed on to future generations. That is why the approach that the opposition are taking to these bills and to the regime that Labor has set up is irresponsible, and that is why the words from Senator Mason yesterday were quite hollow.

Just this week we have been reminded of the importance of taking action on climate change. Another major report—this one titled Turn down the heat—was released by the head of the United Nations climate summit in Qatar. In it, the World Bank suggests that, unless significant action is taken to cut greenhouse gas emissions by the end of the century, the Earth is on track to warm by four degrees Celsius, with potentially disastrous consequences for our environment, particularly in this nation, and our economy. The changes associated with this would have dramatic and devastating effects on all parts of the world including Australia, the bank said, but in particular on developing and poor nations. Those countries will be the most vulnerable, and many of them are our neighbours in the South Pacific. Their economies and environments will be affected by a delay in responding to climate change.

In the light of such warnings it is important that we shoulder the responsibility and that we work within the international community to reduce global emissions for the good of our planet and for the benefit of future generations. That is why I am pleased to support these bills, which ensure that Australia is doing its part—importantly, in concert with other nations and the international community—to reduce emissions through a flexible, internationally linked emissions trading scheme.

This legislation will facilitate linking of Australia’s emissions trading scheme with other countries’ emissions trading schemes—this includes the EU emissions trading scheme—by removing the floor price that was to operate in the first three years of the flexible price period and by restricting the quantity of eligible Kyoto units that a liable entity can use to acquit their Australian carbon price liability to 12½ per cent of that liability.

This legislation will establish the flexible registry arrangements that will ensure linking with other emissions trading schemes in circumstances where direct links between registries cannot be put in place. Linking Australia’s emissions trading scheme to the international market is in our nation’s interests and indeed in the interests of Australian businesses. As Treasury modelling clearly demonstrates, without the ability to access international carbon markets and without the ability for Australian businesses to purchase international permits, the cost of meeting our emissions reduction target will double. Again, this is a point that was made quite eloquently and well during the inquiry by the Committee on Scrutiny of New Taxes into the carbon price, and in particular Loy Yang Power, when they appeared before the committee—

The DEPUTY PRESIDENT: Order, Senator Thistlethwaite! It being 6.50, the debate is now interrupted. You will be in continuation.

DOCUMENTS
Consideration

The following general business orders of the day relating to government documents were considered:

Commonwealth Superannuation Corporation (CSC)—Reports for 2011-12—Military Superannuation and Benefits Scheme (MilitarySuper), including financial statements
for the Commonwealth Superannuation Corporation. Motion to take note of document moved by Senator Eggleston. Debate adjourned till Thursday at general business, Senator Eggleston in continuation.


General business orders of the day nos. 44 to 46, 48 to 50, 52 to 55 and 57 to 68 relating to government documents were called on but no motion was moved.

**ADJOURNMENT**

The DEPUTY PRESIDENT (18:51): Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

**Big Steps Campaign**

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (18:51): What does it take to give a child the best start in life? It is a question that is reflected upon daily by parents, teachers, early childhood educators and politicians, and one that we must continue to ask ourselves as we look at implementing historic reforms to early learning and the childhood sector. As everyone in this chamber would agree, high-quality education is a critical element in providing children with the very best start in life. Education is not only the key to overcoming structural inequality and disadvantage; it is a crucial part of securing Australia's long-term economic growth. However, the benefits of education cannot be realised without investment in early years education.

It has been well established that children do their most important learning in their first five years. Indeed, evidence indicates that 90 per cent of brain development occurs in these critical early years. A child's experience in the first five years sets a course for the rest of their life, including for their long-term educational outcomes. With this in mind, I wish to again place on record my support for the United Voice Big Steps campaign. Senator Feeney is in the chamber with me, and of course he would support the Big Steps campaign.

Senator Feeney: No doubt.

Senator CAROL BROWN: I also wish to place on record my support for the dedicated ECEC workforce and provide an update on their campaign activities. The United Voice Big Steps campaign is a grassroots, sector-wide campaign to secure professional wages in the early childhood education and care sector.

Since 2007 we have seen sustained growth in the number of children and families using early childhood education and care services. On any given day in Australia, up to one million children attend long day care services across the country. In my home state of Tasmania, 17,000 families use long day care services. Despite the increase in participation rates for children in formal care, the pay and conditions of some 60,000 people employed in the early childhood education and care sector remain unacceptable. Currently, an early childhood educator earns just over $18 per hour. It is a tragic reality that our tireless early childhood educators, who play such an important role in shaping the future of our young people, could earn more by cleaning tables in a fast-food restaurant or stacking shelves in a supermarket than they do as early childhood educators.
In the face of this economic hardship, large numbers of people working in the early childhood education and care sector have been forced to leave in search of higher-paying work. Over 180 educators leave the early childhood education and care sector each week due to the low wages and poor conditions. The United Voice campaign is focused on addressing the structural problems within the funding system for the early childhood education and care sector. The campaign is calling on the government to provide $1.4 billion in recurrent funding to the sector, which would secure a professional wage for educators.

The government has committed to widespread reforms to the early childhood education and care sector. The reform agenda is significant, and the measures include the development of a national curriculum, plus a new national quality framework bringing state and territory based licensing and quality systems into one nationally consistent system. As part of the government's commitment to building a high-quality, accessible and affordable early learning and care system in Australia, the government will invest a record $22.3 billion over the next four years in the early childhood education and care sector.

The national quality framework commenced progressive implementation on 1 January this year. This framework will improve the child-to-staff ratios, set new staff qualification requirements, introduce a new quality-rating system and establish a new national oversight body. It incorporates the national quality standard to ensure high-quality and consistent early childhood education and care across Australia. The government has also introduced changes to make child care more affordable and more accessible to families. The government has increased the rebate to 50 per cent and the cap to $7,500 per child per year. We know that these reforms are not only critical because they make high-quality and affordable child care a reality for low- to middle-income families; importantly, they also assist in raising the workforce participation rate of women. Women's workforce participation is sensitive to a range of factors, including affordability and the quality of care.

Notwithstanding the significant progress made by the government in achieving these historic reforms within the early childhood education and care sector, there is still more work to be done. The package of reforms announced by the Council of Australian Governments sets a bold vision for early childhood education and care in Australia. To achieve the government's goals, it is crucial that the sector is served by a stable, qualified and professional workforce. To achieve this we need to support the sector in retaining, recruiting and training staff. And to do this we must support professional wages. That is why I have given my support as an ECEC Champion, as many of my colleagues have, to the United Voice Big Steps campaign, because investing in the early education sector is so vitally important.

On 27 September this year I visited the Tiny Tackers ECEC centre in Glenorchy, a suburb in the electorate of Denison in Tasmania, along with my colleague Senator Lisa Singh and Jane Austin, the Labor candidate for Denison. Tiny Tackers is owned and operated by a young woman named Erica and is a thriving and vibrant local centre. As part of our visit to Tiny Tackers, the Big Steps campaign presented us with their 2013 budget submission stating the case for professional wages. The campaign also premiered their newly launched television commercial.

In the lead-up to the rally on National Big Steps Community Action Day on 17
November, I took up the challenge of living on an educator’s wage of $18 an hour. I was partnered with Alicia, an ECEC worker, who presented me with a Big Steps cheque for $622.88, representing my pay for the week. Alicia also went through her own budget practices and the tough decisions she makes, week in and week out, to make ends meet. This exercise enables people to fully understand the difficulties faced, and it very much focused me on the tough budget decisions that need to be made. I thank Alicia for sharing her time and personal story with me.

The National Big Steps Community Action Day was a day for families, the sector and the wider community to celebrate and support the fantastic work of early childhood educators and to support the Big Steps budget call to the Prime Minister, Julia Gillard, and the Treasurer, Mr Swan, for a $1.4 billion budget allocation for professional wages. Rallies were held across Australia in every capital city. At the Hobart rally, around 900 people participated in the Big Steps action day. I had the opportunity to speak at the rally in Hobart, and I was joined by my colleagues Senator Lisa Singh and the Labor candidate for Denison, Jane Austin. In all over 12,000 people, including families, ECEC centre staff, supporters and members of the wider community, turned out to show their support for the campaign for professional wages.

As my contribution draws to a close, I would like to acknowledge the tireless work of United Voice, particularly the Tasmanian state secretary, Helen Gibbons, and the Tasmanian campaign coordinator for the Big Steps campaign, Jannette Armstrong. The Big Steps campaign has enabled me to meet with many early childhood educators and carers—mostly women—who have shared with me both their genuine passion for the work they do and the difficulties they face in making ends meet. So I want to acknowledge all these people and their passion and commitment to the campaign.

In the course of the debate on lifting wages for our early childhood educators and carers, we must never forget that the undervaluing of educators reflects the broader inequality which women continue to experience in the workplace today. The early childhood education and care sector continues to be a largely female dominated sector, and it is a sad reality that early childhood educators remain socially undervalued and underpaid. The Big Steps campaign is so much more than a campaign about better wages. It is a campaign about respect for the profession, it is about maintaining quality and it is about the continuation of education for our children. I would like once again to thank those involved in the national day, particularly Rebecca Hayes, who emceed the event, and of course United Voice for organising the rally. (Time expired)

Middle East

Senator RONALDSON (Victoria) (19:01): The United Nations charter sets out in article 51:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations …

The loss of life in Israel and Palestine in recent days has been tragic. No-one welcomes the loss of an innocent child, whether that child be Israeli, Palestinian, Jewish, Muslim or Christian. Nor should the international community accept direct attacks aimed at innocent civilians or the use of human shields in breach of international humanitarian law. Yet Hamas have continued to initiate such attacks on innocent civilians and to use many innocent Palestinians as human shields in their
conflict against Israel and Israeli citizens. This should draw widespread criticism from the international community. However, reporting on this issue has remained unbalanced, with a disproportionate share of media condemning Israel's attacks but overlooking the attacks by Hamas on innocent Israeli civilians and the right for Israel to defend itself and its citizens against such attacks, as it is entitled to do under the UN charter.

In an article by Arsen Ostrovsky entitled 'Where is condemnation of Hamas terror?' he referred to:

... those who continue to call for Boycott, Divestment and Sanctions against the Jewish State ... but are silent in the face of Palestinian terror.

This includes some within the Australian Greens party. Ostrovsky further states:

I'm angry that while human rights organisations such as Amnesty, Human Rights Watch, Oxfam and others do not waste a single opportunity to condemn Israel ... the human rights of Israelis are seemingly not important enough for them. Is Jewish blood really that cheap?

If our families were being attacked, would we not defend our clear right to act in self-defence to protect them from harm? Undoubtedly so. The same principle also applies to Israel and its right to protect its citizens.

At the same time, many politicians and reporters in the international media have failed to condemn Hamas, with some even actively defending it, when Hamas is not an organisation that is interested in a peaceful outcome to the Israeli-Palestinian conflict. This is no more clearly evidenced than in the Hamas charter itself. The Hamas charter, in its second introductory paragraph, calls for Israel's destruction, stating:

Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it.

Article 7 of the Hamas charter goes further, calling not only for the elimination of Israel but also for the elimination of its Jewish population altogether, stating that it 'aspires to the realisation of Allah's promise' as set out in a referenced hadith:

The Day of Judgement will not come about until Moslems fight the Jews (killing the Jews), when the Jew will hide behind stones and trees.

Hamas leader Khaled Meshaal has stated that the charter is 'a piece of history and no longer relevant, but cannot be changed for internal reasons'. Yet Hamas have refused to oppose this document outright or to amend it. What is more, since Meshaal said this, Mahmoud Zahar, a co-founder of Hamas and a member of the Hamas leadership in Gaza, said in November 2010 about the Jews:

... there is no place for you among us ... no future among the nations of the world.

Furthermore, the Prime Minister of the Hamas government in the Gaza Strip, Ismail Haniyeh, said in May 2012:

We must live up to our motto ... which says, we will not recognize Israel.

The Palestinian station al-Aqsa also said on 18 November 2012:

From the Palestinian people to the Zionists: We've missed the suicide attacks. Expect us soon at bus stations and in cafes ... Don't go to sleep, because we may get you in your sleep.

None of these words will ever lead to a peaceful solution to the Israeli-Palestinian conflict. As Harvard Law School's Professor Alan Dershowitz recently noted:

Hamas's tactic is as simple as it is criminal and brutal. Its leaders know that by repeatedly firing rockets at Israeli civilian areas, they will give Israel no choice but to respond. Israel's response will target the rockets and those sending them. In order to maximize their own civilian casualties, and thereby earn ... sympathy ... Hamas leaders
The Hamas fighters hide in underground bunkers but Hamas refuses to provide any shelter for its own civilians, whom they use as "human shields." This unlawful tactic puts Israel to a tragic choice: simply allow Hamas rockets to continue to target Israeli cities and towns; or respond to the rockets, with inevitable civilian casualties among the Palestinian "human shields."

Gerard Henderson concurs, stating in an article on 20 November 2012:

It is known that Hamas ... deliberately place their rocket sites within the deeply populated areas of the Gaza Strip. This means that when Israel strikes at military targets, there are likely to be a number of civilian casualties.

I, for one, am willing to unreservedly and unequivocally condemn Hamas, their attacks on innocent civilians and their use of human shields, resulting in the deaths of both innocent Israeli and Palestinian civilians. Spilling innocent blood is no way to achieve lasting peace.

In these circumstances where, as reported, there have been more than 1,150 rocket attacks on Israel since last Wednesday, Israel has a clear right to defend itself. In saying this, I am supportive of the sentiments of Ostrovsky, who states in his article:

I'm angry that the world notices only when Israel undertakes its most basic sovereign right to defend its citizens. Can you imagine if even one rocket were fired on Washington, London, Moscow or Sydney? No nation on earth can, or should, tolerate such attacks on its people.

He goes on to state:

I'm angry that there is someone out there who does not know me ... yet still wants to kill me for no other reason than being Israeli.

He then puts this into context, stating:

4.5 million Israelis live directly within the line of Hamas fire ... In Australian terms that's about the entire population of Sydney or Melbourne. This year alone, at least 1500 rockets have now been fired on Israel ... with about 12,000 fired in the past 12 years. There is just no end in sight.

If this were occurring in Australia, then we would clearly take action to protect Australian citizens. But, given that these actions are 'out of sight', there is also a danger that they are 'out of mind'. We must condemn these actions and support Israel's actions to defend itself, as we would defend ourselves if we were under attack here. We must particularly condemn these actions, remembering the saying, 'All that is necessary for the triumph of evil is that good men do nothing.'

I notice that the first comments from Senator Bob Carr in relation to this matter were well reported by Andrew Bolt in an article dated 20 November 2012, when he noted:

... Mr Carr, who said little publicly against Hamas rocket attacks until Israel hit back, now simply calls on 'both sides to exercise restraint.'

That is not the view of President Obama, who swiftly supported Israel's right to defend itself, adding:

There's no country on Earth that would tolerate missiles raining down on its citizens from outside its borders.

We also have a lack of condemnation from Greens and Labor leaders particularly, when members such as Senator Lee Rhiannon of the Greens and state Labor parliamentarian Lynda Voltz are reported, in the article by Gerard Henderson, 'to be scheduled to speak at a rally' to 'protest at Israel's response to attacks'.

To conclude, I stand here today to condemn Hamas's attacks on innocent civilians and their use of human shields, as well as unbalanced reporting on this issue. I also support Israel's right to defend itself and its citizens against attacks. I call for balanced reporting and I pray for a peaceful solution to this crisis.
Bardenhagen, Dr Marita

Senator WHISH-WILSON (Tasmania) (19:11): I rise in the Australian Senate tonight to speak about Dr Marita Bardenhagen, a family friend and great Tasmanian who sadly passed away in Launceston this week. Although this is only a brief obituary, I think it is important that her life, research and inspiration are recognised here tonight. Marita tragically died of cancer at the age of 51 on Monday this week and is survived by her four children, Rachael, Jessie, Brigid and David, and her husband, Dr Alex Thompson.

Marita was a widely respected 'social historian' in Tasmania, who leaves a rich legacy of local research and community work. A graduate of the University of Tasmania, she was also president of the Launceston Historical Society and actively contributed research and energy to many important areas of Tasmanian life, such as Tasmanian architecture, bush nursing, immigration, rural youth in Tasmania, early European contact with Tasmanian Aborigines, and rural women's affairs. She both worked for and was actively involved with Tasmanian organisations such as the Heritage Council of Tasmania, the Queen Victoria Museum and Art Gallery, the National Trust of Australia and the Cultural Heritage Practitioners of Tasmania.

Her doctoral thesis in 2003 was entitled Professional Isolation and Independence of Bush Nurses in Tasmania 1910-1957. She later adapted this work to become curator of the exhibition Ordinary women, extraordinary lives. I would like to read to you words Marita used to explain this successful exhibition:

Women are poorly represented in Australian histories, and those represented are often extraordinary women— the wives of important men, or women of fame and notoriety. Ordinary women are almost always absent from the Australian story. Bush nurses are an example, they achieved so much for their community and for women in general.

Her project and research addressed the optimal status and position of women by working to remove stereotypes and assumptions about women. It reinforced the critical role of women in the development of the Australian bush and for the maintenance of health. It demonstrated vividly that their achievements were great despite significant hardship. Further, it also demonstrated how powerful these ordinary women were as they created significant social change through quiet personal achievement.

Bush nurses were at the forefront of emancipation of women despite their working in isolation. Marita described her travelling exhibition as being significant because 'women's history, particularly rural history, is often invisible'. I certainly hope Marita's important research, and the relevance of its message to our community today, remains visible—as I hope does her legacy.

I would like to finish by highlighting some words submitted by Marita, on behalf of the Launceston Historical Society, to the Launceston mayor and the Tasmanian Ratepayers Association over calls to shut down and silence the town clock atop the Launceston city post office. They are called 'A Plea to Keep the Chimes Ringing'. She wrote:

Dear Mayor Van Zetton and All Aldermen of LCC,—
Launceston City Council—
The sound of the clock has been the source of many recent phone calls to the Launceston Historical Society since it has attracted media attention and now LCC business.
The LHS—
Launceston Historical Society—

CHAMBER
would like to register our support for the sound and indeed the historical essence of Launceston to remain intact and continue.

Members, associates, and indeed travellers at the recent national conference, all commented what a delight it is to hear such a unique sound continue in such a historic regional centre.

The Launceston Post Office is one of the jewels in the crown of Launceston's heritage and indeed it was a sad day when the main Post Office closed after such a long and historical use. For the clock to be silenced or the chimes to be excluded during the night would be to the detriment of a long tradition and indeed landmark sound of Launceston.

Personally, I believe that the Launceston town clock is one of the key features of my home town, ringing all hours of the morning. It is the contributions of individuals such as Marita towards the social capital of a place like Launceston that actually make where we live in our communities unique. We all contribute in our own way and Marita's contributions were quite significant and often went unrewarded, so I would like to take this opportunity to thank Marita for all the work that she did. Marita, I will remember you when the bells chime.

International Day for Asbestos Victims

Senator SINGH (Tasmania) (19:16): I was fortunate to have been invited to represent Australia at the International Day for Asbestos Victims recently, a conference organised by the French national association of asbestos victims, ANDEVA, and held in Paris at the senate building in October. More than 250 scientists, activists, asbestos victims, researchers, parliamentarians and medical professionals from 20 countries had travelled to attend the conference, which included a day of keynote addresses, a working roundtable and finally a march through the streets of Paris with more than 5,000 workers, unionists, victims, politicians, medical professionals and anti-asbestos advocates participating—marching together 'For a world without asbestos'.

ANDEVA organiser Marc Hindry had invited me to share Australia's asbestos story—our long and dark legacy with asbestos, as well as the positive work now being done in tackling this insidious carcinogen under the leadership of the Gillard Labor government. Listening to the range of speakers, it soon became clear that Australia is leading the way on asbestos management. Many of the speakers and participants were interested in the work of our government and especially the work of our Asbestos Management Review, which, under the chairmanship of Geoff Fary, handed its report to Minister for Workplace Relations, Bill Shorten, earlier this year. I believe this document will definitely become a blueprint for other nations as they look to tackle the full brunt of the asbestos legacy.

From the roundtable session came two documents, the first an appeal to the Brazilian Supreme Court, calling on it to expedite the judgement regarding the unconstitutionality of the federal law permitting the mining, sale, use and transport and export of asbestos. Brazil's Supreme Court is currently hearing opposing cases brought by those who support the continued use of asbestos and those in favour of banning it. The arguments made by each side are based on constitutional law. Those against the use of asbestos ask—given the Brazilian constitution acknowledges a citizen's right to life and to health, and the dignity of labour—how the use of a known carcinogen could be allowed. Those arguing for the continued use of asbestos say that laws pertaining to trade and interstate commerce reside in the constitution and that laws banning asbestos would revoke Brazil's controlled-use policy which underwrites the commercial exploitation and use of...
chrysotile asbestos. The international community continues to await its finding, and there is great hope that the Brazilian Supreme Court will find in favour of a ban on asbestos, putting an end to the use of 15 per cent of the world's asbestos usage.

The second document signed by conference delegates was a letter to newly appointed Quebec Premier Pauline Marois, congratulating her on the courageous position taken by her government in withdrawing the financial assistance promised to the Jeffrey asbestos mine in Canada.

Last November, the then Leader of the Australian Greens, Bob Brown, and I successfully moved a motion in the Senate against the Canadian government, expressing the Australian Senate's disappointment in the Canadian government and its continued stalling around the listing of chrysotile asbestos in the Rotterdam convention on prior informed consent. This motion also called on the Canadian government to recognise the profound global implications of Canada's continuing export of asbestos, most notably to developing parts of the world such as India. I would like to take this opportunity to add my personal congratulations to Premier Marois, as I believe it was her leadership on this issue, along with pressure from unions and NGOs worldwide, which ultimately led to the Canadian government's announcement in September that they would no longer oppose the listing of chrysotile asbestos on the Rotterdam convention when it comes up again next year.

The march made me realise just how worldwide this carcinogenic substance is and how it has affected so many thousands of people's lives. As people marched, they carried photographs of their loved ones who had died from asbestos related disease and placards in various languages asking for an end to asbestos, for a world without asbestos. I met a man from Belgium, Eric Jonckheere, who grew up very close by to the Eternit asbestos factory in Kapelle-op-den-Bos. Eternit is the fourth largest producer of asbestos in the world. After 11 years of litigation, last year his family finally won a civil case against Eternit. Eternit promptly announced it would appeal the verdict. His mother had died, his father had died and his two brothers had died from asbestos related disease and, yes, he also has an asbestos related disease. Yet there he was with a smile on his face, proud to be marching alongside so many others just like him who had lost their family, marching to end the trade and use of this deadly substance.

The courage displayed by so many people from across the globe at this rally was inspirational. I learnt that all the efforts that have been made in Australia by trade unions, support groups and governments are shared by so many others just like us in countries right across the world. That is the nature of this issue: asbestos is everywhere. Too many companies like Eternit have lied, deceived and lobbied to continue using asbestos, all for the purpose of making profits off other people's misery, sickness and death.

In Australia we had our own version of Eternit in the James Hardie company, which dominated the market from the 1940s until the 1980s, selling asbestos products despite clearly knowing the dangers of asbestos from as early as 1935. I spoke about Hardie's attempt to shift their assets overseas to the Netherlands in a bid to avoid liability. The fight to hold them accountable, by people such as the late Bernie Banton, ABC journalist Matt Peacock, the AMWU, especially Paul Bastian, the ACTU and, notably, Greg Combet, and the Asbestos Disease Foundation of Australia, was courageous and fierce to say the least.
Last week, some of you may have seen the telemovie *Devil's Dust*, based on Matt Peacock's book *Killer Company: James Hardie Exposed*, which was aired by the ABC over two nights. It received rave reviews while also helping raise vital awareness in the community. Ironically, while *Devil's Dust* was being aired on our screens the NSW Court of Appeal handed down the final judgement in the long-running court battle with former James Hardie non-executive directors and shamefully reduced their penalties. In May, the High Court had fined them $30,000 each and disqualified each from serving on boards for five years for misleading the Australian Securities Exchange. However, last week, the NSW Court of Appeal reduced these sentences to fines of $25,000 and to a disqualification from serving on boards for just two years. This decision has been condemned by many, as it should be, and I too share their sheer disappointment in the decision of the NSW Court of Appeal.

I have spoken about asbestos in this place on several occasions. Following my time in the Tasmanian parliament as a minister on this issue I now am proud to be a part of the Gillard Labor government, which is tackling the issues associated with this carcinogen at the national level. The last decade has seen significant inroads in the fight against asbestos, and with Asbestos Awareness Week upon us next week it will be timely to take stock of where we are at as a nation.

At the second ACTU Asbestos Summit, held in Sydney in August this year, Minister Bill Shorten responded decisively to the Asbestos Management Review and announced for the first time the establishment of a national Office of Asbestos Safety, which is to commence work on a national strategic asbestos management plan, due to be completed by 1 July next year. This is so important for us as a nation.

Australia currently has the highest reported per capita incidence of asbestos related disease in the world, and an estimated 30,000 to 40,000 Australians will be diagnosed with an asbestos related disease in the next 20 years. So we continue the fight, particularly the call for a global ban on asbestos. Together and with perseverance we will achieve exactly that. Of that, I am confident.

**Senate adjourned at 19:26**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

- Defence Act—Determinations under section 58B—Defence Determinations—
  2012/63—Living-in accommodation—amendment.
  2012/64—Post indexes—amendment.
  2012/65—Cadet forces allowance—amendment.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Health: Financial Management and Accountability
(Question Nos 2255, 2259 and 2268)

Senator Bernardi asked the Minister representing the Minister for Health, upon notice, on 3 October 2012:

In regard to each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister’s portfolio:

(1) Is information collected from stakeholders and the broader community; if so: (a) what forms or other methods are used to collect information; (b) how many of these forms are: (i) paper-based, (ii) electronic-based; and (iii) both; (c) do these forms request an estimate of the time taken to complete; if not, why not; and (d) is data collected on how long it takes to complete each form; if so, can this data be provided.

(2) For each regulatory proposed regulatory initiative since August 2010: (a) how many stakeholder consultations have been conducted; and (b) have there been any complaints from stakeholders about the consultation process; if so, from whom.

Senator Ludwig: The Minister for Health has provided the following answer to the honourable senator’s question:

(1) This data is not readily available in a consolidated form that could be easily drawn upon and the Department of Health and Ageing is unable to compile the requested data as this would involve significant diversion of resources from other departmental operations.

(2) Information on consultations are set out in relevant Annual Regulatory Plans (ARP) for the Department of Health and Ageing and relevant portfolio agencies. These can be found at:

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Information in addition to this is not readily available and it would take a significant diversion of resources from other departmental operations in order to compile the data requested.

Prime Minister and Cabinet
(Question No. 2330)

Senator Ryan asked the Minister representing the Prime Minister in the Senate, upon notice, on 9 October 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Ministers portfolio: For each of the following items: (a) licences; (b) registrations; (c) fee for services; and (d) permits (and all other permission structures):
(1) How many are administered to the non-government sector.
(2) What are the associated fees with each item, and which sectors of the community are required to hold each.
(3) How often does each item require renewal.
(4) What fees have been paid for each item for the following financial years (or since the item was introduced since 2007-08): (a) 2007-08; (b) 2008-09; (c) 2009-10; (d) 2010-11; (e) 2011-12; and (f) 2012-13.
(5) How much total revenue is collected annually from each of the listed items.

Senator Chris Evans: The Prime Minister has provided the following answer to the honourable senator's question:

The following departments/agencies do not administer licences, registrations, fee for services and permits to the non-government sector:
- The Department of the Prime Minister and Cabinet
- The Australian National Audit Office
- The Australian Public Service Commission
- The National Mental Health Commission
- The Office of the Inspector-General of Intelligence and Security
- The Office of National Assessments
- The Office of the Official Secretary to the Governor-General

The Office of the Commonwealth Ombudsman advises that the Postal Industry Ombudsman (PIO) administers the registration of private postal operators which elect to be part of the PIO scheme.

(1) There are nine private postal operators currently registered with the PIO.
(2) There are no registration or renewal fees. Registration is voluntary for private postal operators.
(3) There are no renewal requirements. Private postal operators may de-register at any time by writing to the PIO.
(4) Nil.
(5) Nil.

Social Inclusion
(Question No. 2356)

Senator Ryan asked the Minister representing the Minister for Social Inclusion, upon notice, on 9 October 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Ministers portfolio: For each of the following items: (a) licences; (b) registrations; (c) fee for services; and (d) permits (and all other permission structures):
(1) How many are administered to the non-government sector.
(2) What are the associated fees with each item, and which sectors of the community are required to hold each.
(3) How often does each item require renewal.
(4) What fees have been paid for each item for the following financial years (or since the item was introduced since 2007-08): (a) 2007-08; (b) 2008-09; (c) 2009-10; (d) 2010-11; (e) 2011-12; and (f) 2012-13.

(5) How much total revenue is collected annually from each of the listed items.

Senator Chris Evans: The Minister for Social Inclusion has provided the following answer to the honourable senator’s question:

The Minister for Social Inclusion is in the Prime Minister and Cabinet Portfolio. Please refer to the Prime Minister’s response to Senate Question Number 2330.

Defence Housing Australia
(Question No. 2382)

Senator Ludlam asked the Minister representing the Minister for Defence, upon notice, on 16 October 2012:

With reference to the potential sale, from the department to Defence Housing Australia, of the Gunners’ Cottages on Queen Victoria Street, Fremantle:

(1) Were the properties independently valued?
(2) What sale price was arrived at after the department’s valuation and the independent valuation was complete?
(3) Has the sale been progressed or agreed to?
(4) What major maintenance and refurbishments to the properties are needed?
(5) What is the estimated cost of maintenance and refurbishments?
(6) Have maintenance and refurbishment costs been put to the Public Works Committee and what is the anticipated schedule for their refurbishment; if not, when will the maintenance and refurbishments be put to the Public Works Committee?
(7) When is it expected that the houses may be inhabited?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) Yes.
(2) $1,000,000.
(3) In accordance with the Commonwealth Property Disposals Policy, the Australian Government approved the sale to Defence Housing Australia on 16 October 2012.
(4) The dwellings need major heritage restoration and each will be reconfigured from two to three bedrooms plus ensuite. Work also includes an extension to the rear of the properties to provide new kitchens, living areas and other updates to ensure that the properties are suitable for occupation by Defence families.
(5) $398,000 per dwelling.
(6) Defence Housing Australia will undertake the restoration of the dwellings and has advised that the project to refurbish these dwellings will be put before the Public Works Committee (PWC) as a Medium Works Proposal before commencement of any works. It is anticipated that the refurbishment of the dwellings will be put to the PWC in the latter part of 2013, with refurbishment/construction commencing early in 2014.
(7) Defence Housing Australia has advised that, subject to satisfactory progress in meeting the heritage requirements, Defence families may commence occupation of the cottages during 2015.

Agriculture, Fisheries and Forestry
(Question No. 2394)

Senator Whish-Wilson asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 24 October 2012:

(1) What is the end- or renewal-date for the Small Pelagic Fishery (SPF) quota fishing season.

(2) Notwithstanding limits on the operational capacity of fishing vessels, is a quota holder allowed to catch their full quota both immediately before the end of a fishing season and then immediately after the start of the next SPF fishing season.

(3) Are there any temporal controls on the SPF beyond the yearly fishing season.

(4) Has the Australian Fisheries Management Authority considered the impact of what amounts to twice the yearly SPF quota being fished in the same 12 month period (or less), in relation to the SPF Harvest Strategy or any other efforts; if so, can the results of that analysis, in detail, be provided.

Senator Ludwig: The answer to the senator’s question is as follows:

(1) The Small Pelagic Fishery season commences on 1 May and concludes on 30 April of the following year.

(2) A concession holder in the Small Pelagic Fishery is able to harvest quota allocated for a season at any time during the season. Given the seasonality of fishing for all target species in the Small Pelagic Fishery, with the exception of Australian sardine, the scenario of catching an entire quota allocation before the end of a fishing season and then immediately after the start of the next season is unlikely.

(3) No.

(4) The Australian Fisheries Management Authority (AFMA) has not undertaken an analysis of the taking of twice the total allowable catches of target species over a 12 month period or less in the Small Pelagic Fishery. The ability to combine quotas across two seasons is essentially a one-off event requiring the fisher to not fish at the start of one season, retaining a full quota until later in that season, to then fish for the full quota in the final months of one season and fish the subsequent annual quota early in the next season. This scenario could not be repeated in the lead up to the next season as the fisher would have no quota at all until that following season. The repeat of such a scenario would require a biennial pattern of fishing with no fishing in the intervening year. If this was to become a significant fishing practice then AFMA may need to consider the implications for the management plan of the small pelagic fishery. However, the current conservative quota settings for commercial species in the fishery minimises the implications of this unlikely scenario.

While research on taking twice the total allowable catch in the fishery over a 12 month period or less has not been undertaken the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) has used management strategy evaluations to test the long-term sustainability of stocks fished in the small pelagic fishery (Giannini et al. 2010). Sustainability of these stocks over a projected 30 year period has been tested under the current Tier 1, Tier 2 and Tier 3 harvest strategy approaches.

Results show that the current Tier 1 and Tier 2 harvest strategy approaches for these stocks are robust to the time of year over which catches are taken, given catches are set at a specified percentage of the most recent best estimate of biomass in each year. The settings for total allowable catches in subsequent seasons are revised to correct for changes in fishing mortality and biomass each season. Under these approaches, stock biomass is maintained near target levels over the long-term.
Similarly, under a Tier 3 approach, where a fixed catch is taken each year, the catch levels are set so low (500 t) that catches are unlikely to reduce biomass below target levels, even if the total allowable catches for two years (at 500 t each) are caught over a short period spanning two seasons. This is the direct intention of ensuring that catches allowed for under Tier 3 approaches are set at very low levels.