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SITTING DAYS—2012

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FORTY-THIRD PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

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

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

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

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

PARTY ABBREVIATIONS

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
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<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td><em>Minister Assisting the Prime Minister on Digital Productivity</em></td>
<td>Senator the Hon Stephen Conroy</td>
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<td><strong>Minister for Social Inclusion</strong></td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td><em>Minister Assisting the Prime Minister on Mental Health Reform</em></td>
<td>The Hon Mark Butler MP</td>
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<td><strong>Minister for the Public Service and Integrity</strong></td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td><em>Minister Assisting the Prime Minister on the Centenary of ANZAC</em></td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td><strong>Cabinet Secretary</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
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<td>The Hon Wayne Swan MP</td>
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<td><strong>Minister for Financial Services and Superannuation</strong></td>
<td>The Hon Bill Shorten MP</td>
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<td><strong>Assistant Treasurer</strong></td>
<td>The Hon David Bradbury MP</td>
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<tr>
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<td>Senator the Hon Bob Carr</td>
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<td><strong>Minister for Trade and Competitiveness</strong></td>
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12:30, read prayers and made an acknowledgement of country.

BUSINESS

Rearrangement

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (12:31): I move:

That, in relation to the matter designating the Republic of Nauru as a regional processing country:

(a) business of the Senate notice of motion no. 7 be considered as government business; and

(b) business of the Senate notice of motion no. 7 be called on immediately.

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

The Senate divided. [12:36]

(The President—Senator Hogg)

AYES

Back, CJ
Bilyk, CL
Cameron, DN
Cash, MC
Crossin, P
Farrell, D
Feeney, D
Furner, ML
Hogg, JJ
Kroger, H
Lundy, KA
Marshall, GM
Moore, CM
Pratt, LC
Singh, LM
Sterle, G
Thorp, LE

Bernardi, C
Brown, CL (teller)
Carr, KJ
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Gallacher, AM
Humphries, G
Ludwig, JW
Madigan, JJ
McKenzie, B
Nash, F
Ruston, A
Smith, D
Thistlethwaite, M
Urquhart, AE

Xenophon, N

NOES

Di Natale, R
Hanson-Young, SC
Humphries, G
Milne, C
Rhiannon, L
Siewert, R (teller)
Waters, LJ
Whish-Wilson, PS

Question agreed to

MOTIONS

Instrument of Designation of the Republic of Nauru as a Regional Processing Country

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (12:38): I move:

That, for the purposes of section 198AB of the Migration Act 1958, the Senate approves the designation of the Republic of Nauru as a regional processing country, by instrument made on 10 September 2012. [F2012L01851]

Yesterday, acting under section 198AB of the Migration Act 1958, the Minister for Immigration and Citizenship, the Hon. Chris Bowen, designated by legislative instrument the Republic of Nauru as a regional processing country. In accordance with the legislative amendments to permit regional processing, which came into effect on 18 August 2012, the Minister for Immigration and Citizenship presented to the House of Representatives the following documents: a copy of the designation; a statement outlining why it is in the national interest to designate Nauru as a regional processing country; a copy of the memorandum of understanding with Nauru signed on 28 August 2012; a statement about the minister's consultations with the United
Nations High Commissioner for Refugees in relation to the designation; a summary of advice received from the UNHCR about the designation; and a statement about the arrangements that are in place, or are to be put in place, in Nauru for the treatment of persons taken there. These documents were also tabled in the Senate yesterday for senators' information.

I call on my colleagues in the Senate to approve this designation to enable the first transfers of offshore entry persons to Nauru for processing in accordance with the new regional processing arrangements. The government takes our international commitments seriously and, to this end, appointed an expert panel on asylum seekers, led by Air Chief Marshal Angus Houston AC AFC (Retired) and including Professor Michael L'Estrange AO and Mr Paris Aristotle AM, to provide direction on a way forward for Australia to prevent asylum seekers from risking their lives on dangerous boat journeys to Australia. The report of the expert panel was released on 13 August and the government is highly committed to implementing all 22 recommendations of the report. In the weeks following, we have been working through those recommendations to respond to the complex and difficult issues we collectively face. Matters such as these are life or death, and they need to rise above politics. Last month the government passed legislation to provide the legal basis for establishing offshore processing centres to give effect to the recommendations in the Houston report that the panel considered needed to be implemented as a matter of urgency.

This designation will be another step forward in the government's commitment to deter people from taking the dangerous boat journey by expanding safe and regular pathways for resettlement and not providing any advantage to asylum seekers who pay people smugglers to enter Australia illegally. Regional processing is a key component in ensuring a long-term response to people seeking asylum in our region. This government has always been resolute that to work closely with our regional partners is the best way to strengthen the region's response to irregular movement and people smuggling. In 2011, as co-chairs of the Bali process with Indonesia, we produced the regional cooperation framework that was endorsed by ministers at the Bali process ministerial meeting in March 2011. Since then, Australia has committed to establishing and maintaining a regional support office which will coordinate practical measures to implement the framework. This regional support office was officially opened in Bangkok yesterday.

The memorandums of understanding with Nauru and Papua New Guinea, together with the designation of Nauru as a regional processing country, send a message loud and clear that countries in this region are willing and prepared to take the action needed to ensure the integrity of their borders and undermine people-smuggling networks. The message to people smugglers is that asylum seekers will have their claims assessed not in Australia but in Nauru. Further, to undermine the business model of the people-smuggling trade the government has committed to increasing the humanitarian program. As a country, we have a rich tradition of providing refuge to those in need of protection. This has continued with the government's commitment to increase our humanitarian program from 13,750 places to 20,000 places annually, the biggest increase in Australia's refugee intake in 30 years.

These measures together, and as part of the full suite of Houston report recommendations, reinforce the message that Australia provides no advantage to those who pay people smugglers to enter Australia.
The government is also continuing to work on implementing the Malaysia arrangement. The government has been in regular contact with Malaysia, which remains firmly committed to implementing the arrangement, and that communication will continue. In 2012-13 Australia will resettle around 1,350 UNHCR mandated refugees from Malaysia. This meets the commitment provided under the arrangement with Malaysia, as entered into in July 2011. However, the government's immediate priority is to establish regional processing in Nauru and Papua New Guinea and to begin resettling more refugees from Indonesia and other countries in our region as part of our increased humanitarian program. For the minister to designate a country as a regional processing country it must be deemed in the national interest to do so. The minister has clearly and publicly stated his view that designating Nauru as a regional processing country is in the national interest. Those reasons are: it will discourage irregular and dangerous maritime voyages, thereby reducing the risk of loss of life at sea; it will promote a fair and orderly humanitarian program that retains the confidence of the Australian people; it will promote regional cooperation in relation to irregular migration; and it will address people smuggling.

The new legislation states that the minister is required to consider whether countries have given Australia certain assurances about what will happen to an asylum seeker who is taken to a regional processing country. This is an important requirement, allowing transfers to be effected—but not at any cost. Further, as the minister stated yesterday, and as set out in the minister's statement of reasons, Nauru has given Australia the assurances around the principle of nonrefoulement and the assessment of asylum claims in line with the refugee convention.

The government also believes that it is important for Nauru, as a sovereign state, to have input into the development of any arrangements, and it has been keen to do so. The government is dealing with people seeking protection, and there is a need for fully considered arrangements to be put in place. By presenting the designation and the accompanying documents in accordance with the legislation, the government is providing senators and the parliament with the opportunity to be satisfied that they are appropriate. Again, I would like to call on my colleagues here in the Senate to approve this designation to enable the first transfers of offshore entry persons to Nauru and to provide the circuit breaker to irregular maritime arrivals called for by the expert panel's report.

**Senator CASH** (Western Australia) (12:46): I rise to speak on behalf of the coalition on the motion before the Senate in relation to the instrument of designation of the Republic of Nauru as a regional processing country under section 198AB(1) of the Migration Act 1958, and to indicate that the coalition will be supporting the government's motion.

I also indicate on behalf of the coalition that I will be moving an amendment which is designed to add clarity and strength of purpose to the motion by requiring the government to implement the full suite of the coalition's successful border protection policies. Doing so will send a clear and strong message to the people smugglers that the Australian government is resolute in its determination to stamp out their criminal activities, which have already cost so many lives lost at sea on the perilous voyage to Australia.

With this motion, the Labor government finally brings to an end what has been a decade of denials and a decade of...
denouncing and demonising the coalition for the strong and effective policy position in relation to border protection that it took when in office. Today is a historic day in this parliament because, in relation to Australia's border protection, Labor senators will stand alongside coalition senators and vote to establish Nauru as a country for offshore processing. And, in standing alongside coalition senators and signifying their support for offshore processing, Labor senators are making a very, very significant admission to the Australian public. As the shadow minister for immigration said in the other place, Labor's admission is made:

through gritted teeth and after having been dragged kicking and screaming over years to this point.

The admission that Labor Party senators will be making today in voting to affirm this designation by the Minister for Immigration and Citizenship is this: Labor got it so horrifically wrong 4½ years ago when it abolished offshore processing on Nauru and other critical measures that had been implemented by the Howard government.

In watching Labor senators standing before and beside coalition senators today and in voting in support of this instrument of designation to make it part of Australian law, the Australian people are witnessing what is now going to be recorded as possibly the greatest political backflip by any government of all times. Why do I say that? Because no less than nine weeks ago the minister, the Prime Minister and those on the other side continued to maintain their position that offshore processing on Nauru would not work. To understand the magnitude of the backflip that the Gillard government and the Labor caucus have performed all you actually need to do is refer to the terms of the instrument of designation and the reasons set out by the minister which he has provided in support of the instrument—bearing in mind that this is a minister who right until but a few weeks ago has been telling the coalition and has been telling the people of Australia that offshore processing will not work and that Labor would not relent on their position in relation to Nauru.

Mr Acting Deputy President, if you go to paragraph 13 of the reasons for the designation, the minister states:

I consider designating Nauru to be a regional processing country will discourage irregular and dangerous maritime voyages and thereby reduce the risk of the loss of life at sea; …

He goes on to say:

I consider designating Nauru to be a regional processing country will promote the maintenance of a fair and orderly Refugee and Humanitarian Program that retains the confidence of the Australian people; …

All you need to do is go to the Hansard and you will see that throughout the history of the Howard government, and throughout the history of the former Rudd government and the current Gillard Labor government, these are the exact points which the opposition has been making for over a decade. You would almost believe that it was the shadow minister for immigration who actually wrote the reasons for the minister's decision in relation to the designation, because it is exactly what the opposition has been saying for the last 10 years. Now what we have in black and white, tabled now in the Senate, is the Labor Party finally admitting that the coalition's border protection policies were right and the Labor Party, for the last four years, have got it so very, very wrong.

The gravity of the admissions by the Labor Party in the instrument of designation are evident when you consider the statements made by the former Minister for Immigration and Citizenship, Chris Evans, both in November 2008 and reaffirmed last night in response to an answer on the television program Q&A. He said:
Labor committed to abolishing the Pacific Solution and this was one of the first things the Rudd Labor Government did on taking office. It was also one of my greatest pleasures in politics. Neither humane nor fair, the Pacific Solution was also ineffective and wasteful.

And, of course, we have a Prime Minister who has consistently maintained her own opposition to offshore processing and the Pacific solution even as far back as when she was in opposition. On 13 May 2003 Ms Gillard said:

Labor will end the so-called Pacific solution—the processing and detaining of asylum seekers on Pacific islands—because it is costly, unsustainable and wrong as a matter of principle.

How wrong the current Prime Minister was, how wrong the Labor party was, and how wronged the Australian people have been by the current government.

In relation to the points consistently made by the Prime Minister over at least a decade whenever she demonised offshore processing, let us now look at what the reality is in the reasons for the minister's decision as tabled today in the motion that is before the Senate. In relation to the Prime Minister's constant demonisation, in which she said that offshore processing was going to be costly, this is what the instrument says at paragraph 23. These are the minister's own words:

I think that the cost of irregular maritime voyages, in terms of the loss of human life and in respect of the substantial financial and resourcing costs to the Commonwealth in dealing with such arrivals (estimated to be in excess of $5 billion over the forward estimates period), means that it is in the national interest to attempt to reduce the number of such voyages, and to do so urgently.

That is the minister now criticising his own policies in relation to border protection as being far more costly than offshore processing will ever be. The costs of the failure of the government over the last four years, as evidenced in the minister's own reasons for his decision, are now estimated to be—and this is not the coalition speaking; these are the Labor government's own words—in excess of $5 billion.

In relation to the Prime Minister's statements that offshore processing is unsustainable and wrong as a matter of principle, let us again go today to what the minister, in his reasons that have now been tabled in Senate, says in relation to offshore processing—bearing in mind that the government has consistently demonised the coalition whilst we were in government and whilst it has been in government after it unwound the Howard government's proven border protection policies. This is now Labor's position:

I think that it is in the national interest to take action that is directed to discouraging irregular and dangerous maritime voyages to Australia and thereby to reducing the risk of loss of life at sea.

The party that demonised the former Howard government when it introduced offshore processing and has consistently demonised the current opposition for the last 4½ years when we dared to tell it it had got it wrong by reneging on offshore processing has now adopted the coalition's policy on border protection.

It cannot be forgotten by the Australian public how the Labor government has ended up in the position that it is in today. We have seen policy failure, denial, inconsistency and inaction that have rendered a government so weak when it came to border protection that it had to ask an independent panel for advice on how to solve the mess that it itself had created. Of course, as has been referred to in the reasons for the decision, we have the handing down of the Houston report by a panel which was hand-picked by the government; the coalition had nothing to do with the members of that panel. The government wrote the terms of reference for
the Houston report, and what was then handed to the government was possibly the most damning critique that has ever been made about a government in Australia. That critique was made by the government's own hand-picked panel. Ultimately we all know what the outcome of the Houston report was. The Houston report has recommended to the government that it adopts the coalition's policy of offshore processing, and that is exactly what the Labor Party will be doing when they stand alongside coalition senators later on today and support the motion that is before the Senate.

The Australian people are quite right to ask why it has taken the Labor government so long to get to a position which it was given when the former Howard government lost office in 2007. It has taken the arrival of 24,634 people on 421 boats for the government to get to the point which we are at today. In fact, just yesterday we had the 10,000th person arrive this year alone under the current government's border protection policies. Ten thousand people have arrived in Australia this year under the current government's policies. As also set out in the instrument of designation, it has also taken the loss of no fewer than 704 lives at sea. These lives have been lost since October 2009. That is the minister talking; that is not the coalition talking. That is an admission by the minister. That is what it took for the Labor party to be dragged kicking and screaming to the point which we are at today. But, despite these very clear admissions in the minister's reasons for his designation, the Labor Party refuse to go the full distance when it comes to solving Australia's border protection problems. The coalition has made its position in relation to border protection abundantly clear: the government cannot expect Howard government outcomes—and cannot expect to do that as the Howard government did if it is not prepared to put in place the full suite of the former Howard government's policies as recommended by the government's own hand-picked experts on the Houston panel.

The government is still engaged, unfortunately, in a half-hearted solution. It is still engaged in dealing with this matter in less-than-half measures. That is why I mentioned earlier that the coalition will be moving an amendment to this motion. In doing so, I move that the following words be added to the motion:

At the end of the motion, add “and in addition to the opening of offshore processing on Nauru, calls on the Government to implement the full suite of the Coalition’s successful border protection policies and:

(a) restore temporary protection visas as the only visa option available to be granted to offshore entry persons found to be refugees;
(b) issue new instructions to Northern Command to commence to turn back boats seeking to illegally enter Australia where it is safe to do so;

(c) use existing law to remove the benefit of the doubt on a person’s identity where there is a reasonable belief that a person has deliberately discarded their documentation; and
(d) restore the Bali Process to once again focus on deterrence and border security”.

In moving that amendment I remind the Senate that for many years now the current government has been telling the people of Australia that you cannot turn boats around despite the fact that that was the policy that former Prime Minister Rudd took to the 2007 election. They have been telling us that you cannot turn the boats around despite the fact that, when the Australian people cast their vote at the 2007 election, that is exactly what they voted for in a Labor government because Mr Rudd's policy at that time was to turn the boats around. In any event, the
Labor Party have shown their total contempt for Mr Rudd in politically executing him and in the fact that they do not want to have anything to do with what he says. That is why they had to turn to the independent panel.

What did the independent panel and the Houston report say in relation to turning back the boats? It said at page 53, paragraph 3.77:

"Turning back irregular maritime vessels carrying asylum seekers to Australia can be operationally achieved and can constitute an effective disincentive to such ventures …"

So, whilst I might want to say the coalition has been vindicated, the irony of this is that Mr Rudd has been vindicated. Mr Rudd, who was politically executed by those on the other side because, apparently, he had failed when it came to discharging Australia's border protection policy, has had his policy of turning back the boats, which was the coalition's policy, vindicated by the Houston panel.

The Houston panel has also recommended prohibiting family reunion through Australia's humanitarian program for people arriving by boat and instead making boat arrivals apply for family reunion through the family stream of the migration program. Again, this is nothing more and nothing less than the coalition's policy of temporary protection visas, and we would endorse this recommendation of the Houston panel.

The Houston panel have done nothing more and nothing less than come to the same conclusion that the coalition came to under the former Howard government: if you truly want to stop the boats, if you truly want to break the people smugglers' model, you need to implement the full suite of the Howard government's policies. For four long years Australia's borders have been weak, lives have been lost at sea, Australia's reputation with its nearest neighbours has been tarnished, costs have blown out and people smuggling as a business has been allowed to flourish, all because the Prime Minister and Labor were too stubborn to admit that they got it wrong. It was sheer stubbornness and nothing else they put before the national interest.

Perhaps the greatest shame for the Australian public is this: the lives lost at sea over the past 4½ years and the $5 billion of Australian taxpayers' money that has now been spent and which the Australian taxpayer will have to pay back with a lot of interest on top—all of that need not have happened. In November 2007, when we lost office and the Labor Party assumed office, they were given the greatest gift that any incoming government can be given. Apart from the fact that we left them $22 billion in the bank and apart from the fact that we left the Labor government a legacy of zero debt, we had also solved the border protection problem for the incoming Australian government. We had done exactly what they have been saying they wanted to do for the last 4½ years. The former Howard government took very tough measures, but we stopped the boats and broke the people smugglers' models.

That does not mean that we do not support refugees. It was under the former Howard government that we actually lifted the intake of refugees. The difference between us and Labor, apart from what they are now doing, which is adopting our policy, is that we believe that Australians should determine who comes to this country and the circumstances in which they come. We will always go to UNHCR camps and choose refugees who have done the right thing by this country—refugees who do not have the means or the opportunity to jump on three plane flights, go to Indonesia, jump on a boat, pay a people smuggler and destroy
their documents in order to come to this country.

In the event that the coalition's amendment is not accepted or does not pass this place, on behalf of the coalition I reaffirm to the Australian people that, if and when a coalition government is next elected to this country, it will implement the full suite of the former Howard government's policies. Too much has been lost over the past four years because of the Prime Minister's stubbornness and her refusal to pick up the phone to the President of Nauru.

Senator HANSON-YOUNG (South Australia) (13:07): Mr Acting Deputy President, I would like clarification. Now that Senator Cash has moved her amendment, are we debating the amendment or the substantive motion?

The ACTING DEPUTY PRESIDENT (Senator Edwards): We are debating the substantive motion, as I understand it, with the amendment included.

Senator HANSON-YOUNG: Thank you. I think it is an extremely sad day today to be standing here and seeing both the Labor Party and the coalition lining up, shoulder to shoulder, as Senator Cash has already outlined, to approve the dumping of refugees offshore on Nauru. It is a mistake. I want it clearly put on the record that the Greens do not believe that this will (a) save people's lives or (b) stop the boats from coming in the first place. It is clear that there has been no attempt by this government to overcome the issues that led to the horrors of the past. We know what happened the last time the Pacific solution was established, under John Howard. People's lives were ruined. Children were turned insane. Many people took their own lives. Depression wreaked havoc across the detention centre. And all for what? In the end, these very vulnerable people were found to be genuine refugees who needed protection and were resettled in Australia. The overwhelming majority of people that we put through the horrors of the Pacific solution mark I were found to be in genuine need of protection, yet we had made them suffer. We had put them in even more dangerous circumstances and pushed many of them to the point of self-destruction.

None of those mistakes have been addressed by this government's designation today—despite the fact that the Houston panel said that, if we were to open Nauru, there would be a list of things that would need to be done to ensure that it was actually in line with our obligations under the refugee convention. I want to list those things, because not one of them has been addressed by the designation put forward by the minister this week. The protections and welfare arrangements would need to include treatment consistent with human rights standards, including no arbitrary detention. There is nothing about this in the designation document or the supporting documents in either the MOU with Nauru or the advice from the UNHCR, which, by the way, is quite scathing of the government's attempts to designate Nauru as a place where we will now be dumping refugees.

The list includes the need for appropriate accommodation. Yet we know that the designation clearly says that for at least six months refugees will be housed in tents, in the middle of the monsoon period. Further, there needs to be appropriate physical and mental health services. There are no caveats on how refugees—people who are suffering from torture, persecution, post-traumatic stress from the experience of fleeing their homelands and war—will actually be given appropriate medical, physical and mental health assistance. We know that the health assistance given to asylum seekers in Australian detention centres is not adequate.
The government has admitted that itself. The service provider, International Health and Medical Services, IHMS, whom the government has just contracted to run the health services in Nauru, has said very clearly that it cannot offer adequate services to refugees who are detained for long periods of time in remote locations. The whole designation that has been put forward by the government today is designed to lock vulnerable people up, out of sight and out of mind, on a remote location for long periods of time. Yet the exact same health service delivery company, which has criticised the way that government has run detention centres here in Australia, has been contracted to run the medical facilities on Nauru. It clearly will not happen. We are, without doubt, going to see the horrors of John Howard’s Pacific solution repeated all over again.

The list also includes the need for proper access to educational and vocational training programs. We will see how that goes, because there is nothing in the designation that says this has to happen. There needs to be application assistance during the preparation of asylum claims. The designation is absolutely silent on who will be running the claims for asylum. Will they be Australian officials, or will they not? What training will they have? Who is paying for them? And on what basis are they going to be given proper assistance? What access will refugees have to lawyers on Nauru? There needs to be an appeal mechanism against negative decisions on asylum applications that would enable a merits review by more senior officials and NGO representatives with specific expertise. None of that is in the detail put forward by the minister. There needs to be monitoring of care and protection arrangements by a representative group drawn on from government, civil society in Australia and Nauru. Again, none of that is in this designation. There needs to be provision of case management assistance to individual applicants being processed in Nauru. These are all the things that the Houston report said had to be included in this designation, yet none of them are.

The government have lied. The government have lied not just to the Australian people but also to the refugees currently being detained on Christmas Island and in Darwin who have been told that they are going to go to Nauru. The government have lied to the Australian people and they have lied to this chamber, because none of the recommendations in the Houston report that had to be put in place are here in this designation. The list of safeguards were there because we know that the last time we sent people to Nauru we sent them mad. The last time we sent refugees to Nauru was a black stain on Australia’s reputation for how we treat refugees—some of the world’s most vulnerable people. Rather than addressing the mistakes of the past, the Labor Party has lined up with Tony Abbott to reinstate the harshest, nastiest, cruellest aspects of John Howard’s legislation and to take it on as their own. I can see members of the coalition nodding their heads in agreement. They have tricked the Labor Party; wound them in hook, line and sinker. This isn’t Labor’s policy; this is Tony Abbott’s. And yet it is all being dressed up by Minister Bowen as somehow being able to stop the boats from coming. Well the boats have not stopped coming, have they? In fact, refugees themselves continue to say that until there is a safer option what else do they do? We need to make sure we resettle more people directly, implementing in a genuine sense the increase to the humanitarian intake.

I just want to go to the advice that the UNHCR gave to the government in relation to this designation. I think it is very
important to note that when the minister gave his press conference yesterday he forgot to mention that the UNHCR did not support what the government was doing. The advice from the UNHCR clearly says that the key things that would need to be taken into consideration have not been appropriately dealt with for Australia to move ahead and start dumping people in Nauru. I will read from their advice:

... it is not clear from the information available to us that transfer of responsibilities of asylum-seekers to Nauru is fully appropriate. Whilst UNHCR welcomes steps taken by the Government of Nauru to accede to the 1951 Refugee Convention last year, at present, there is no domestic legal framework, nor is there any experience or expertise to undertake the tasks of processing and protecting refugees on the scale and complexity of the arrangements under consideration in Nauru.

It is clear that the UNHCR are not happy and have not given their blessing for Australia to start dumping refugees in Nauru. They are concerned that this myth of the no-advantage test endorsed by the government continues to be peddled and used as a justification for why we should be dumping men, women and children on Nauru. I will read again from the UNHCR's advice:

The issue of timely durable solutions for refugees needs careful consideration. In particular, the 'no-advantage' test endorsed by your Government contemplates a time-frame that is assessed against and consistent with the period a refugee might face had s/he been assessed—

and, quoting the government—

'by UNHCR within the regional processing arrangement'. The practical implications for this are not fully clear to us.

Come on. You are not only dudding the Australian people; you are also dudding yourselves. This is an inhumane policy. We will see the mental health epidemics that we saw last time. The Labor Party's Pacific solution is going to be as harsh, as mean, as cruel, as dangerous as John Howard's was. And it will fail. It will fail because people need proper protection. People will continue to keep running until they feel they have a safer option.

The long-term indefinite detention that this government has so forcefully grabbed hold of is in stark contradiction to our obligations under the refugee convention. And that is why organisations around the country strongly oppose this designation put forward by the government today: Amnesty International, the Refugee Council, Asylum Seeker Resource Centre, the Australian Council of Trade Unions, the Australian Council of Social Services, the Federation of Ethnic Communities' Councils, the Australian Nursing Federation, the Australian Medical Association—the list goes on and on. Oh, and this one is very interesting: Labor for Refugees. You know what? There is no Greens for Refugees. We do not need a Greens for Refugees, because it is very clear what our policy is and what we stand for. And we do not stand for adopting John Howard's policy, Tony Abbott's policy, introducing it as our own and thinking that we can just dump refugees offshore, out of sight and out of mind.

The experts tell us that the best way of offering hope, protection and care for refugees is to increase the humanitarian intake and resettle people directly. I was interested to hear on the radio this morning that Paris Aristotle said that the boats will not stop until we properly increase our intake and take more people to Australia through a safer option, not waiting for them to board a dangerous boat only to lock them up and punish them. I was also interested to hear that the minister's excuse for why this designation should go ahead is because it will send a message to people smugglers that refugees will have their claims assessed in
Nauru. Is he delusional? Do people smugglers really care where refugees are having their claims assessed? They have already collected their money! The Australian people are smarter than this. The Australian people know that punishing refugees—children, pregnant women—is not going to be the way that you punish the people smugglers. It is interesting to look back at some of the things that senators in this chamber have said in relation to detaining people and refugees on Nauru. Senator Doug Cameron only in September last year said: ‘We should not go there. This is not a Labor policy. It doesn’t equate to Labor values.’ Senator Chris Evans said, ‘The Pacific solution was a cynical, costly and ultimately unsuccessful exercise introduced on the eve of a federal election by the Howard government.’ The Prime Minister, Julia Gillard, said, ‘We will end the so-called Pacific solution because it is costly, unsustainable and wrong as a matter of principle.’ On another date the Prime Minister said, ‘The Pacific solution is an unsustainable and costly failure.’ Who can trust the Labor Party to do the right thing by refugees? Who can trust the coalition to do the right thing by refugees? No-one believes that either the ALP or the coalition can be trusted to care for refugees, because they have proven over and over again unable to do it.

This designation has no protections for refugees. This designation will send children, unaccompanied minors and pregnant women to be locked up in a refugee camp for years and years and years on end with no legal responsibility, with no legal protection—not even the UNHCR or the International Organization for Migration want a bar of it. The IOM said they were asked to take on the contract for running the asylum seeker and refugee detention camp in Nauru. The government begged them to do it and the IOM said that they would not have a bar of it because it was too rushed and the arrangements and the agreements for how people would be protected are simply not there.

So the government has instead contracted Transfield Services. An engineering, mining and construction company is going to be running our refugee camps on Nauru. I would like to ask the minister what on earth Transfield Services understands, has experience in or knows about running a refugee camp full of hundreds of refugees who have fled war, torture and persecution? If it were not so serious, you would think this is a sick joke. What kind of training will these staff have? There is nothing in the designation about that, despite the Houston report clearly saying that these things need to be in place. What type of access will the media have to the detention centre in Nauru? There is nothing in the designation about that.

Several weeks ago in this place when we were debating legislation that stripped out all of the legal protections that used to be in the Migration Act, Senator Lundy, representing the minister, stood here until late in the night telling us that all of these things would be fixed in the designation. They are not there. They were never going to be there. The Labor Party has no intention of putting forward a proposal that looks after refugees, because this is about appeasing Tony Abbott and the coalition rather than standing for a humane policy that will protect people and will save lives. This policy is already a failure and it has not even been implemented properly yet. You are already hurting people, not saving them and not protecting them. Mr Acting Deputy President, I foreshadow that I will be moving an amendment. (Time expired)
Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (13:27): Senator Hanson-Young asserts that the government has adopted Mr Tony Abbott's policy in relation to asylum seekers. If only that were true, because, although the government has adopted one element of the coalition's policy—that is, the reintroduction of the Pacific solution and the reopening of Nauru—unfortunately, for reasons that are incomprehensible to me, the government has not adopted the other two critical elements of the coalition's successful policy—that is, temporary protection visas and turning boats around in the limited but occasional circumstances in which that can safely be done.

The Pacific solution was a suite of policies. Those were the three elements: offshore processing on Nauru and Manus Island, temporary protection visas and turning boats around where it was safe to do so. All three elements were necessary in order to deprive people smugglers of the capacity to say to vulnerable people, 'We can guarantee you a permanent settlement in Australia.' All three elements were necessary. So it is beyond my comprehension why the government, having protested for years that it would never embrace the Pacific solution, at last, and at the cost of many hundreds and perhaps more than a thousand lives, swallowed its pride and decided to do so and yet still resists adopting the other two elements of the suite of policies that worked. So while we are glad that the government, after so many years, after so much stubborn pride, after the loss of so many innocent lives, at last saw the wisdom of returning to offshore processing, it is still resisting adopting the other two elements of that successful suite of policies. So we can have no confidence at all that this incomplete, partial adoption of the coalition's successful policies will produce the outcome the government hopes it will produce. Having told us for years it would not produce a favourable outcome, the government now says, 'Well, we think it will produce a favourable outcome.' But we in the coalition say to the government, 'Unless you adopt all of the elements of the successful policy, there is no reason to be confident that the tide of refugee arrivals will dry up.'

I listened with care to what Senator Hanson-Young had to say and I am bound to say that many of the claims she made were simply false—in particular, the claim that the Howard government did not adopt a compassionate policy when it comes to refugees. Senator Hanson-Young, you are evidently unaware of the fact that under the Howard government the refugee intake under the humanitarian settlement programs run by the Australian government were increased to the highest level they have ever been—a level which remains today.

Senator Ludlam: That is why people were sewing their lips together!

Senator BRANDIS: It was the Howard government that lifted to the highest level that any Australian government ever did our humanitarian intake, and yet that is mocked by the Greens in their posturing moral vanity. Senator Hanson-Young asserts that the loss of life is the responsibility of those who adopt a tough policy. The reverse is true. The wicked people in this business are not the refugees. The refugees are the gullible people. Refugees are vulnerable people. The wicked people are the people smugglers.

Senator Hanson-Young: What are you doing about it?

Senator BRANDIS: I will tell you what we are doing about it, Senator Hanson-Young. What we did about it in 2001 was deprive the people smugglers of a product to sell, so they could not entrap or induce these
gullible and vulnerable people to part with, in many cases no doubt, their life savings to embark on an inherently hazardous risk and put themselves and their wives and their children at risk on the high seas. That is what we did. If you want to know whether that policy worked, let the statistics answer your question, Senator Hanson-Young.

From the time that the Pacific Solution was adopted by the Howard government in September 2001 until the time when the Pacific Solution was, in a moment of folly, abandoned by the Australian Labor Party in 2008, do you know, Acting Deputy President Edwards, how many asylum seekers came to Australia, how many asylum seekers put their own lives, their families' lives and their children's lives at risk on the high seas? It was 301 people in six years. Those are the statistics. Since the Labor Party in its foolishness in late 2008 abandoned that successful policy do you know how many people have embarked on that hazardous journey, put themselves and their wives and their children's lives at risk on the high seas? As of today, 24,697 human souls have embarked on that perilous journey—in the case of the children, unbeknownst to them the risks to which they were being exposed—in less than five years.

In fact, the statistics I quoted include the first year of the Rudd government up to the time when the Pacific Solution was abandoned, so I should correct myself. It was 24,697 people since the election of the Rudd government, but almost all of those people—all bar 25 in fact—have arrived since November 2008. So in less than four years 24,697 people compared with 301 people over six years. And you say, Senator Sarah Hanson-Young, that we were not compassionate! How many lives were saved by depriving the people smugglers of a product to sell? How many lives were saved? We will never know, but this we do know: in addition to those nearly 25,000 people who arrived in Australia in the last four years, we know for certain that another 704 have drowned—men and women and boys and girls and babies have drowned. And those are only the bodies that have been recovered or accounted for. We know that an additional inestimable number as well—undoubtedly many hundreds—have also drowned. That is the price of bad policy. That is the price of giving people smugglers an incentive to entrap gullible and vulnerable people by assuring them safe passage to Australia and then loading them onto leaky vessels which have led to the deaths of more than a thousand of them. That did not happen after the Howard government reintroduced the Pacific solution.

There could not be a debate in which the issues are more serious because we are talking about the lives of innocent people. I honestly do not know how Senator Hanson-Young and her Greens collaborators can sit over there in that corner of the Senate chamber and say that a policy which led to the deaths of more than a thousand innocent people is a policy that is acceptable to them but that a policy that avoided the loss of those lives and that reduced the number of unlawful asylum seekers to a trickle—301 people in six years—was not a compassionate or an effective policy.

Senator Hanson-Young: What about the children who—

Senator BRANDIS: 'What about the children?' I hear Senator Hanson-Young ask. Yes, Senator Hanson-Young, what about the children who would be alive today if the Howard government's policy of putting the people smugglers out of business had not been abandoned with your support?

As I said at the start of my remarks, we are glad that the Labor Party has seen sense. It took Air Marshal Houston and his committee to bring them to see sense but we
are glad that the Labor Party has seen sense by restoring the Nauru processing centre and the opposition will of course support the motion moved by the government. But it gives us no joy or pleasure that it has come to this, that the government, through its hubris and stubborn pride, delayed for so long reinstating policies which for so long it refused to accept because they had been policies embedded by its political opponent. It is a shame but nevertheless the government has at last seen that it was wrong and that John Howard was right.

Senator Hanson-Young got that part right, that the government had seen that the Pacific solution denounced, condemned and anathematised for so many years by the Labor Party was right and that the Labor Party's approach for all those years was wrong. I suppose in a spirit of generosity one gives credit to an opponent who eventually acknowledges they were wrong and their opponent was right, but this is not a political game. This is a decision of policy choices on which people's lives depend and therefore we on the opposition benches implore the government: if you are prepared to take that important first step and reinstate Nauru, take the remaining steps which so far you have not been prepared to take and reinstate temporary protection visas so that no people smuggler will ever be able to say even to a credulous client, 'I can guarantee you a permanent resettlement in Australia,' because even the most credulous refugee will know that at most they will get a temporary protection visa. We implore the government as well to strengthen the deterrence of people smugglers by adopting a policy of turning boats around. We acknowledge that that will rarely be possible but there have been occasions in the past when it has been possible and the fact that there is the threat that that might happen is itself part of the deterrence of people smugglers.

I want to finish by saying a word about temporary protection visas because there has been a lot of foolish and ignorant talk about the justice of temporary protection visas. The temporary protection visa which was issued by the Howard government to asylum seekers gave, as its name suggested, those people protection. It gave them a right to stay in Australia for a period of years and if at the end of that period, a three-year period, the circumstances in their country of origin from which those people were fleeing had not improved, so if the peril from which they fled had not abated, they were entitled to renew the temporary protection visa and if on the expiry of that period again the circumstances in their homeland were unimproved they could renew it again. So the temporary protection visa gave to refugees everything that a genuine refugee can legitimately ask for under the refugee convention; that is, protection from persecution in their homeland for as long as the circumstances of that persecution remain. Now I struggle to see what is wrong with that. I struggle to see what is unjust about that. The very definition of a refugee in the refugee convention is a person driven out of their homeland by the justified fear of persecution. A genuine refugee is not a person who leaves their homeland because they want to; a genuine refugee is a person who leaves their homeland because they have to. If you were a genuine refugee who had left your homeland involuntarily and under the threat or fear of persecution, you would want to return home if that fear had gone away—for example, if there were a regime change in your homeland, if militias who were responsible for persecution had been brought under control, or if a change in the political circumstances that caused you to flee from your homeland had gone away, you would want to go home. Everybody wants to be in their own homeland. So a
genuine refugee has nothing to fear from a temporary protection visa. If they still face the risk of persecution, they are protected for as long as they need to be. But, if the risk of persecution has disappeared, then they no longer need to seek refuge. Why on earth the government would not adopt this just measure, which complies with the refugee convention and whose only effect is to act as a disincentive to people smugglers, is beyond my comprehension.

This has been a bitter debate. The bitterness is in part, no doubt, a product of the frustration that people have felt at the intractable nature of this problem. But at last—way too late in the piece but at last—the government is grasping towards a solution by adopting one of the three elements of the Howard government's demonstrably successful policies. It is not too late, Senator Bob Carr. It is not too late for the government to complete the job and embrace the other two elements of the Howard government's successful policies. But I fear that the half-heartedness that lies at the heart of this Labor government continues to dominate this debate.

Senator MILNE (Tasmania—Leader of the Australian Greens) (13:47): I rise today to oppose the government's move to send to Nauru refugees who are seeking asylum in our country. It is inconsistent with the refugee convention and with our responsibilities as a nation to people who are refugees. Why is the government doing it? The government has told us that it is doing it because the whole point is to stop people getting on boats. They said that it is not about sending people away—'out of sight, out of mind', as the Greens said at the time. No, they said, it is about stopping people from getting on boats and risking their lives coming to Australia. The Greens said at the time that it would not deter people from getting on boats to come to Australia, because deterrence does not work. It has not worked and it will not work.

The Greens said that the best way to prevent people from getting on boats is to offer them a safe pathway; that is, increase the humanitarian intake and invest money in helping the UNHCR to assess people's claims in Indonesia and also closer to the areas where they have been forced to flee. That has been the Greens policy and it is consistent with the human rights convention. That is the action that would stop people getting on boats, or at least it would act as a disincentive for some of them to get on boats. But, no, the government insisted that this is about stopping people from getting on leaky boats, and that is the argument that the coalition put as well.

What has occurred is exactly as the Greens argued—and not just the Greens; all the refugee advocacy groups have been saying exactly the same thing. An overwhelming number of submissions to the Houston inquiry said exactly the same thing, and the experience since the government drove this through the parliament has been a record number of people risking their lives on boats. The government has failed in its No. 1 supposed ambition, which was to stop people getting on boats. There is a record number of people on boats. I think it is up to 2,150 since this policy was instigated. It has been a massive failure in terms of alleviating the real concerns that the Australian people have had, and rightly so, about people losing their lives at sea.

The Australian Greens have always argued that we need to codify our responsibilities in terms of the safety of lives at sea. On the day that this whole issue came to a head in this parliament, I did point out that Australia knew on the Tuesday afternoon that the boat in question was in trouble, that we did not rescue people until

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they were in the water on the Thursday, and
that at some point questions would need to
be answered about why we did not go to
their rescue until Thursday. We have
obligations under the safety of life at sea
convention. Those obligations should be
codified. There has been an uneasy tension
for a very long time between the deterrence
model of the Howard government—which
has been embraced by the Gillard
government—and our obligations under the
safety of life at sea convention. The Greens
argued very strongly with the Prime Minister
for not only an increased humanitarian intake
and increased investment in assisting the
UNHCR in regional assessment but also
codification of our safety of lives at sea
obligations. One of the things I do welcome
is the talks that the government
has entered
into with the Indonesians to try to facilitate
better search and rescue capacity, because
we do know that the Indonesians have that
search and rescue capacity to be able to meet
the needs of people who are getting into
difficulty in those boats coming from
Indonesia. But having said that, when
Senator Lundy was defending the legislation
she said very clearly that she rejected
the Greens' claim that the government 'are not
adhering to our international obligations'.
Yes, in the document that the minister has
tabled it has become quite clear that he is
making the decisions and he says: ‘Whether
or not the assurances referred to above are
legally binding, I expect that Nauru will act
in accordance with them … as a consequence
…’ That was the reason why the Malaysia
solution was struck down by the High Court.
They were not legally binding and this
legislation particularly and explicitly states
that they do not have to give legally binding
undertakings. But, in terms of international
obligation, the minister said:
The content of Australia’s international
obligations is contestable. In particular, there is a
range of views held by lawyers, academics, non-
government organisations and others as to the
content of Australia’s international obligations
with respect to persons transferred to another
country, some of which differ from the
Department’s position.
Yes, indeed they do. The overwhelming
majority do and that is why they legislated to
get around our obligations under
international law. He goes on to say:
On the basis of the material set out in the
submission from the Department, I think that it is
not inconsistent with Australia's international
obligations (including but not limited to
Australia's obligations under the Refugees
Convention) to designate Nauru as a regional
processing country, notwithstanding that this will
create a duty under s 198AD to take offshore
entry persons to Nauru (subject to the exercise of
my personal non-compellable power in s 198AE).
However, even if the designation of Nauru to be a
regional processing country is inconsistent with
Australia's international obligations, I
nevertheless think that it is in the national interest
to designate Nauru to be a regional processing
country.
There we have it. Senator Lundy told us in
the Senate that she rejected absolutely the
claims that they are not adhering to
international obligations and the minister
actually touted it in the documents he has put
in the parliament. What is more, when you
go to the letter being tabled from the
UNHCR in relation to obligations, the
UNHCR specifically goes on to say:
… it is not clear from the information available
… that transfer of responsibilities for asylum-
seekers to Nauru is fully appropriate.
There we have the UNHCR making its views
perfectly clear and it particularly goes to the
no-advantage test. Senator Lundy told us in
this parliament that it would all be spelt out
and we would know exactly what that meant.
And we do not. Were we misled? Of course
we were misled. The government came in
here and told us, yes, we would have the
details of the no-advantage test and we would not be in a position of having people sent offshore indefinitely. Yet the government refused to allow the 12 months and we still have no understanding whatsoever. What is even worse, we have a situation where the government is saying that the no-advantage test will apply and indefinite detention is there. On the other hand, we have a situation where the countries concerned—particularly PNG—are saying that they want to move people out of detention as quickly as possible. How are those two things consistent? Furthermore, we now know that refugees are going to be housed in tents for at least six months. We know that the facilities are not finished and yet we were not told that. That was not even conceded in the debate.

In other words, we were told a whole pack of disingenuous stories when the government brought in this legislation. We were not told the length of time people would be there. There was no acknowledgement they would be stuck in tents, no acknowledgement that it was not consistent with international law. This is all about sending people away and the huge embarrassment the government has now is that more people have arrived, to the extent that Nauru is already fully catered for—even when it is at maximum it will take 1,500 and we have already had 2,150 arrivals. Now we will have Manus Island and that will be full as well. That is why the government is now trying to open Malaysia, which means we are getting to the point where we are going to have littered throughout this region a whole lot of Australia’s offshore detention centres. There will be offshore detention centres throughout the region because Australia will not acknowledge that it got it wrong, that in fact it is not a deterrent to send people offshore. This is going to be an extremely expensive exercise in terms of the impact on the refugees’ health and wellbeing. It is going to be extremely expensive in terms of the amount of money it costs Australia. And yet it is not going to do anything to reduce the numbers of people coming to Australia in boats.

The best way of doing that is to set up safe pathways, as the Greens have articulated. In response to the offensive remarks of Senator Brandis, I remind the Senate that it was the Howard government who brought in temporary protection visas and it was under the Howard government that 353 died when the SIEV-X went down. They were overwhelmingly women and children who were denied the opportunity to come and stay with their male relatives in Australia. That is why they were on the boat. To this day we have not had the inquiry we should have had, the royal commission we should have had into the sinking of the SIEV-X. Senator Sinodinis knows exactly what happened with the SIEV-X. He was in the office at the time and he ought to make a statement to the parliament at some point as to what exactly happened in the Prime Minister’s office at the time that the SIEV-X sank offshore Australia. That is not going to go away. As long as we are here we are going to continue to ask questions about what actually happened.

I return to the issue of sending refugees to Nauru where the facilities are not adequate at this point and where people are going to suffer. We still have unlimited detention on Nauru and have not been told how long the Gillard government believes a no-advantage test is. I think it is incumbent on the government to tell us that.

Debate interrupted.
QUESTIONS WITHOUT NOTICE
Asylum Seekers

Senator CASH (Western Australia) (14:00): My question is to the Minister representing the Prime Minister, Senator Evans. Given yesterday marked 10,000 people having arrived on illegal boats this year alone in Australia, does the minister stand by the statement he made on Q&A last night, in response to a question about dismantling the Pacific solution, that he was 'very proud of the decisions that he made as immigration minister'? Is the minister also proud of the fact that, following his decision to dismantle the successful Pacific solution, $5 billion of taxpayers' money has been wasted, 24,697 people have arrived on 422 boats and 704 verified deaths at sea have occurred since 2009?

Senator Cameron interjecting—
Opposition senators interjecting—
The PRESIDENT: Order on both sides!

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:01): I see that, while the House of Representatives have followed Mr Turnbull's advice, the opposition in the Senate have decided to ignore it and continue with their negative use of question time. Can I say also that I got a much tougher question on Q&A than that and the senator would have been better off repeating that one, but Senator Fierravanti-Wells and I had a very secondary role in the debate. I can say that I do remain proud of the change in culture that we brought to the treatment of asylum seekers in this country. I might point out that unfortunately the Liberal Party seems to be returning to the culture which seeks to dehumanise and take away the rights of asylum seekers to have their cases heard.

It is the case that in ending the Pacific solution we continue a policy that started under the Howard regime, interestingly enough, when the Howard regime actually decided not to allow the detaining of children behind barbed wire. As I pointed out the other night, at the time we closed Nauru that was exactly the same time as we opened Christmas Island. Who built the Christmas Island facility? The Howard government. Who spent $600 million on building the Christmas Island facility? Am I to believe the Liberal Party's position is that they did not build it for it to be used as a replacement for Nauru? That certainly was not what was said at the time. People may seek to take political advantage—(Time expired)

Senator CASH (Western Australia) (14:03): Mr President, I ask a supplementary question. Given that following the government's announcement to reopen Nauru almost 2,000 people have continued to arrive on illegal boats, will the minister now concede that the government need to go beyond their half-hearted solution on our borders and reintroduce temporary protection visas and turn back the boats where it is safe to do so, otherwise people smugglers will still have a product to sell and the boats will keep coming?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:04): Following the failure of the government to get cooperation from the opposition on some of our proposed responses, we sought to implement in full the Houston report. That report was provided to the government and we sought to get parliamentary support to implement those measures, which we got, and we appreciate that. It did involve us accepting a range of recommendations that had not been Labor policy, but we saw it as a way through the political impasse.
I might say in terms of temporary protection visas that not only did they not work but, I remind those opposite, when we came to government then Liberal ministers were busily granting exemptions from TPVs to people living in the Australian community because of the damage it was doing to them. Hundreds of people were being exempted by Liberal ministers from the conditions of TPVs because of the harshness.

Senator CASH (Western Australia) (14:05): Mr President, I ask a further supplementary question. I refer to the Prime Minister's statement when shadow minister for immigration: 'Another boat arrival, another policy failure.' Given that one of the many reasons for the political execution of former Prime Minister Rudd was that he had failed to stop the boats, does the minister agree that 18,145 people arriving on 282 boats since Ms Gillard became Prime Minister is a gross failure by her in this important policy area?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:05): The highly narky political supplementary question by the senator does her no credit. It does not advance public debate in this country at all. The opposition fail to take public debate seriously. They fail to make a contribution. One of the things I think the opposition ought to think about is whether or not they still maintain their opposition to us being able to return people to Malaysia because, given their recent decision to send people back to Sri Lanka without the benefit of having their claims assessed, clearly they have abandoned any commitment they profess to hold to the operation of the refugees convention. These are serious public policy matters. They involve really hard choices. And I am not sure the senator's contribution is at all helpful or constructive.

Fisheries

Senator THORP (Tasmania) (14:06): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. Can the minister please inform the Senate on the government's role in maintaining long-term, sustainable fish stocks in Australia and the role of the Australian Fisheries Management Authority?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:07): I thank Senator Thorp for her question. The Gillard government has today announced it will introduce legislation to strengthen the environmental controls on vessels like the Abel Tasman. The new legislation will also allow the government to establish an expert panel to conduct assessment of all of the potential impact before a vessel can be approved to fish in Commonwealth waters. The Gillard government remains a strong defender of Australian fisheries.

Our fisheries management system was established under the Hawke government in 1991 and is recognised as one of the best in the world. However, times have changed over the last 20 years, even if those opposite have not. Today I announce that the government will conduct a major root and branch review of the fisheries management system to ensure it is in line with community expectations, socioeconomic concerns and environmental measures. The review is supported by the Commonwealth Fisheries Association, who believe that it has come at the right time. These actions will give our system and our fishers the confidence they need to continue to be among the most productive, profitable and sustainable in the world.

My responsibility as fisheries minister is to make sure our fisheries remain among the
most sustainable and best managed in the world and that they are served by the very best system. We have a very effective independent regulator, the Australian Fisheries Management Authority, which manages and closely scrutinises all fishing activities in Australian waters in accordance with the Fisheries Management Act. AFMA and the fisheries minister are required to operate under the parameters provided by this act, which was written in the late 1980s and passed in 1991. These arrangements have served us well and the science and management conditions remain at the right level. But there is no doubt that our fisheries management system is world-class.

Senator THORP (Tasmania) (14:10): Mr President, I ask a supplementary question. Can the minister please inform the Senate how Labor has strengthened our fisheries, resulting in some of the best managed fisheries in the world, and how this will support the fishing industry in the future?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:10): I thank Senator Thorp for her first supplementary question. Labor governments have always been strong defenders and managers of Australian fisheries; you need only look at the record to know that is true. Our world-class fisheries management system was established by the Hawke government in 1991, not by the coalition, and it is a proud Labor legacy. Under the Howard government the number of fisheries assessed as overfished and/or subject to overfishing increased significantly from seven per cent of species assessed in 1997 to 29 per cent of species by 2005. Under Labor the proportion of stocks whose status is uncertain has nearly halved again since 2007. The Gillard government continues to be committed to ensuring strong and sustainable fisheries. Where there is room to make improvements we have made them. We are pursuing the rollout of e-monitoring to complement and support on-board observers. E-monitoring is a proven way of increasing the coverage of vessel activities— (Time expired)

Senator THORP (Tasmania) (14:11): Mr President, I ask a further supplementary question. Can the minister please share some of the recent concerns of members of parliament regarding Australian fisheries and tell us how the government amendments will alleviate such concerns?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:11): I thank Senator Thorp for her second supplementary question. The Liberals and Nationals should support the review and the government's amendments. Senator Colbeck himself said just three weeks ago that he acknowledged that 'the science continues to evolve and we should continue to invest in science so that we can get a good outcome and we must continue to improve our fisheries management'. I could not agree more. That is why I have called for a comprehensive review into the entire fisheries management system for the first time in almost 20 years. We need to move with the times, and Senator Colbeck has urged that we continue to improve our fisheries management. As recently as 16 August, a senior coalition frontbencher, Mr Greg Hunt, said his party was calling for 'an independent scientific panel to assess the impacts over and above what has already occurred. This should be an independent scientific panel to assess the sustainability'— (Time expired)
Carbon Pricing

Senator CORMANN (Western Australia) (14:13): My question is to the Minister representing the Treasurer, Senator Wong. I refer to the 900 job losses in Australia's second largest export sector announced by Australia's two largest coal producers yesterday. Can the minister confirm that, consistent with the government's assumptions in its 2012-13 budget, Australia's coal producers are required to pay carbon taxes in excess of $2.7 billion over the next three years even after taking into account the assistance provided under the coal sector jobs package? Can the minister nominate a single top-10 coal-producing country in the world that currently applies, or plans to introduce, a carbon tax on fugitive emissions generated by the mining of coal, as is imposed under the Labor-Greens carbon tax? If not, how can the government possibly think it is fair to make Australian exporters less competitive internationally and to put workers' jobs at risk as a direct result of its carbon tax?

Honourable senators interjecting—

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

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:14): Only part of that was a question properly directed to the Treasurer. In relation to questions about carbon I would remind the senator that Senator Ludwig—

Senator Cormann: Mr President, I rise on a point of order. The minister has just queried whether the question was appropriately directed to her as minister representing the Treasurer. The economic point of order—

Honourable senators interjecting—

The PRESIDENT: Order! On both sides!
Senator Ludwig: Mr President, I rise on a point of order. What the question—

Honourable senators interjecting—

The PRESIDENT: Wait a minute, Senator Ludwig. Order!

Senator Ludwig: This is a new point of order. This issue was not raised by Senator Wong. In truth, the question that was asked should have been directed at the representative, me, handling climate change, and not to the Treasurer. It was clearly a question about climate change. Although the sceptics on the other side do not believe it, they did ask a question about the carbon price and the question should be directed to me.

The PRESIDENT: I have ruled on the issue already. There was no point of order. The minister can answer that part of the question that relates to the portfolio. That has always been the way in which this chamber has operated.

Senator WONG: Thank you, Mr President. That in fact is what I was going on to say: that I am happy to take those aspects of the question which are properly directed to the Treasurer's portfolio. However, I would have thought that the extent of the carbon price being paid by particular coalmines is clearly a matter within the climate change portfolio. In fact, I answered maybe 100 or 200 of those questions previously.

But in relation to the issue of jobs and job losses I would make this point: we have an unemployment rate of 5.1 per cent. I have recently returned from a trip overseas, including to the APEC finance ministers meeting, and let me tell you that there is no other advanced economy that can look at an unemployment rate like the one Australia has. No other advanced economy has grown 11 per cent since prior to the global financial crisis. So those opposite might like to come in here and talk gloom and doom when it comes to jobs and investment, and talk down the economy because they think it is in their political interest. We will get on with the job of creating jobs.

Senator Brandis: Mr President, I rise on a point of order. My point of order is that the minister is not being directly relevant to the question. The question was directed to the effect of the carbon tax assumptions in the budget on employment. The minister has not addressed the issue of the effect of the carbon tax assumptions in the budget on unemployment.

The PRESIDENT: I believe that the minister is answering the question. The minister does have 46 seconds remaining to answer the question.

Senator WONG: In terms of what has occurred in the economy since carbon pricing has been announced, we see in the year to June that private investment has grown now to be at its highest percentage of GDP in 40 years. The highest percentage of GDP in 40 years! These are the sorts of facts which fly in the way of a scare campaign that those opposite wish to engage in. They believe it is in their political interest to talk down the Australian economy. The only people who are pleased with job losses are those on that side, because they think it is in their political interest. But if he really wants to learn about job losses I suggest that Senator Cormann wanders along to Queensland and has a chat to Mr Abbott's mate, Premier Newman, as he busily gets rid of— (Time expired)

Senator CORMANN (Western Australia) (14:20): Mr President, I ask a supplementary question. When Treasury assessed the economic and fiscal impact of the carbon tax, did they consider that the European emissions trading scheme does not apply to the fugitive emissions from coalmining? Did
Treasury consider that the Chinese, Indonesian and Colombian coalmining sectors do not pay, or expect to pay, a carbon price on their fugitive emissions? And did Treasury consider that the American surface coalmines are not even required to report fugitive emissions, let alone pay carbon tax on them?

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:21): Again, many aspects of that question asked about international pricing of carbon, which—

Senator Cormann: I specifically asked if Treasury considered—

Senator Wong: If you would let me finish, Senator Cormann. These are questions which are more properly addressed to Senator Ludwig—

Senator Cormann: Because this is on the economic impact of the carbon tax—

Senator Wong: I do not know why it is such a problem to ask Senator Ludwig questions. He is very good at answering them. You always tell me how bad I am at answering them and now, quite clearly, Senator Ludwig could answer them—

Honourable senators interjecting—

The President: Order!

Senator Brandis: Mr President, I rise on a point of order. As you have ruled before on several occasions, it is not proper for ministers to comment on the questions. The question that Senator Cormann asked had three parts, and each was directed to an inquiry as to whether Treasury—whom this minister represents here—took into consideration certain international comparators. She has not approached the question. She has done nothing but indicate that she is not prepared to answer the question because she asserts it should have been addressed to another minister. The fact is that only this minister can tell the Senate what Treasury took into account.

The President: Order! I do draw the minister's attention to the question. The minister has 41 seconds remaining.

Senator Wong: In terms of what Treasury did and did not take into account, as the senator would know, we have published the Treasury modelling and the assumptions contained within that. It contains a great deal of information, including the assumptions about policy action taken in other countries.

Senator Cormann (Western Australia) (14:23): Mr President, I ask a further supplementary question. In this context, I refer the minister to her response to my question yesterday, when she said she stands by the Treasury modelling of the carbon tax. Does that mean the minister stands by the warning in the Treasury modelling that the Australian mining sector will experience a significant decline in rates of return and that investment in coalmining will fall by nearly 13 per cent by 2020? How can Australians avoid the conclusion that this government is knowingly and recklessly destroying jobs in Australia's second most important export sector?

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:23): If Senator Cormann wants to talk about destroying jobs, I suggest he go to Queensland and talk to Premier Newman and the thousands of public servants he said he would not sack and is now proposing to sack. He wants to ask about jobs. How many jobs have been created since we came to government? How much investment is there?
directly or indirectly, to a question about Treasury modelling of the carbon tax.

Senator Jacinta Collins: Mr President, on the point of order: once again I need to raise the habit that Senator Brandis seems to be continuing again today. He reframes the question. He narrows it to the one thing that has stuck in his mind, rather than the broader question that, it seems, has been asked time and time again. Senator Wong is referring to—

Senator Brandis: The Queensland Public Service, you goose!

Senator Jacinta Collins: It seems Senator Brandis will not even allow someone to conclude their comments on a point of order. Senator Wong is referring to the Treasury modelling and, indeed, the impact on the economy and jobs. She has done that in relation to the principal question and the first supplementary. If she were allowed to continue, you might get some of the question answered.

The PRESIDENT: Order! The minister has been going 13 seconds. I do draw the minister's attention to the question. You have 47 seconds remaining.

Senator Wong: The reality is that we have seen some announcements in the mining sector in relation to job cuts, and the thoughts of those on this side of the chamber are with the workers and families affected by—

Honourable senators interjecting—

The PRESIDENT: Senator Wong, you are entitled to be heard in silence. Order! Senator Wong, continue.

Senator Wong: Thank you, Mr President. The thoughts of people on this side of the chamber are with the workers and families who are affected by those decisions. Unlike those opposite, we will focus on the sound economic management which has seen Australia with the lowest unemployment of almost any advanced economy and has seen the economy grow by 11 per cent and private investment at the highest level as a share of GDP in 40 years.

Pensions and Benefits

Senator Siewert (Western Australia—Australian Greens Whip) (14:26): My question is to Senator Evans, representing the Minister for Families, Community Services and Indigenous Affairs. The Minister for Families, Community Services and Indigenous Affairs has just confirmed that the single rate of the pension, which is indexed in line with the increases in the male total average weekly earnings, will increase by $8.55 a week but that the allowance payments such as Newstart, which are linked to the consumer price index, will increase by a maximum of just $1.45 a week. Why is the government continuing to use different models of indexation given the increasing disparity this is causing between income support payments? Does the government think this disparity is fair?

Senator Chris Evans (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:27): I thank Senator Siewert for the question. I first acknowledge the young people from the Learn Earn Legend! program, the Indigenous work experience program, who are in the gallery. Unfortunately, we are trying to put on a bit of a show for you today by livening the place up. It is usually more respectful and quiet, but some of the senators are looking to perform for your benefit, obviously.

Turning to the question, I indicate that, as the senator knows, the allowances and the pensions are indexed in a different way, as she quite rightly points out. That has been in
place for some time. It is the case that both are increased, I think, twice a year by an indexation measure, but the measures are different. I think there is a clear distinction between what the pension is designed to do and what allowances are designed to do, and that is often confused in the public debate. The reality is that the pensions are largely of a permanent nature, designed to support people on an ongoing basis, and the allowances are paid as a means of supporting people who are in a transition stage. The focus of the government has been very much to try and tailor the system so that Newstart provides support for people while we encourage and support them into work and/or training and we try and transition them back into activity that allows them to either work immediately or get support to improve their skills. I know there is a public debate about the rate of Newstart, but I think it is also important that it be sustainable over time and reflect, of course, the other economic pressures. But the pension and allowances are indexed in different ways and have been for some time.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:29): Mr President, I ask a supplementary question. I am presuming that the minister is aware that over 60 per cent of people on Newstart are on it for over 12 months. Is the minister confident that $145 a week will adequately offset cost increases that a job seeker living $130 below the poverty line has in housing, utilities, transport and food costs?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:31): I will have to take that part of the question on notice. I saw some debate about the differences with the minimum wage, but I do not have a brief on that, so I do not want to mislead the Senate. I will get an answer for the senator as soon as I can on the comparative entitlements, but I did make the point that the Newstart allowance is only one part of the support that is available to people who might be out of work, particularly those who have children or who need other special assistance. There are a range of services through Job Services Australia to try to assist

As I said, I know Senator Siewert has a broad grasp of these issues.

The other thing to say is that, in terms of this transitional payment, the Newstart allowance is only one element of a range of payments and service offerings—things like rent assistance, telephone allowance, pharmaceutical allowance and, obviously, family tax benefits for those people who are supporting children. So I think one has to put all this in the broader context of other payments that are made to support people. But it is the case that the payment is a basic payment, and there is no doubt that it does mean that people do not have a high standard— (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:30): Mr President, I ask a further supplementary question. There has been some confusion in the media over the last couple of days about the different levels of allowances between those living on Newstart and those who are on the minimum wage. Could you confirm that those living on the minimum wage are also able to access full family tax benefit and rent assistance?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:31): I acknowledge the senator's interest and knowledge in this area, but my advice is that around 60 per cent of Newstart recipients stay on payment for less than 12 months. But I am happy to be corrected if that is not right.
them back into training or work. We have made endeavours to improve the thresholds that provide a greater return for those who take on part-time work, and I think that is an important change. But I will take on notice the senator's second supplementary question and get her an answer in more detail.

Emissions Trading Scheme

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:32): My question is to Senator Ludwig, the Minister representing the Minister for Climate Change and Energy Efficiency. As a result of Labor's decision to link its carbon tax to the European Union Emissions Trading Scheme, Australian coal producers will pay the European carbon price equivalent whilst higher-emitting European coal producers will not have to pay anything at all because fugitive emissions are excluded from the EU scheme. Indeed, higher-emitting coal producers in Europe will continue to receive subsidies whilst Australian coal producers will pay the European carbon price. Can the government explain the logic to the coal workers who are currently under threat and some losing their jobs: why will Australian coal producers pay a tax but their competitors in Europe receive a subsidy?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:33): I thank Senator Joyce. One of the difficulties in this is always the opposition's continued opposition to it. That is how they seem to be yelling about it. But the premise of the question—or perhaps the way you have phrased it—is that in the EU they regulate, whereas we have a fixed period and then move to an emissions trading scheme. To ensure that the record is straight around this: the EU was the first international carbon market in the world and is now the largest. It has operated for nearly a decade and has delivered cost-effective emissions reductions. Trading carbon with other credible trading systems is in our national interest because it will help us reduce emissions at the lowest cost.

We have not suddenly stopped trading in goods and services with the EU simply because of the current economic circumstances. In fact, if you look at the EU as a bloc, it is Australia's largest trading partner, accounting for over $90 billion worth of two-way trade. From 2015 that trading relationship will include carbon as well. Australia will have the same carbon price as 30 other countries with a combined population of 530 million, and this government is in discussions with schemes being developed in China, Korea, New Zealand and California—

Senator Joyce: Mr President, I rise on a point of order, on relevance. The substance of the question is quite clear: why does Europe get a subsidy for their coal producers and we have to pay a tax? What is the explanation and the logic from the government? That is the point I am alluding to.

The PRESIDENT: There is no point of order. I believe the minister is answering the question. The minister does have 31 seconds remaining.

Senator LUDWIG: And of course it is one of those areas where—perhaps Senator Joyce did not hear when I first answered him—they have a different scheme. They regulate, whereas what we are doing is using the market based system to drive down emissions. I am sure they will eventually agree with this policy. They are unwilling, but I have no doubt that, should they ever get to government, they will not reverse this scheme. They will continue to support an emissions trading scheme— (Time expired)
Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:35): Mr President, I ask a supplementary question. Given that Australian businesses collectively already have to pay five times as much carbon tax over the next three years as all the businesses across 30 European countries, does the government now recognise that its carbon tax, even when linked to the EU ETS, will make Australian businesses less competitive against their European competition?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:36): I can continue to say that what we do have is a system where on average the Australian carbon price will cost households $9.90 per week with average compensation of $10.10 per week. These are the official figures that have been calculated by the Australian Treasury. Of course, those opposite have not released any figures to substantiate. One of these areas you do not talk about is Mr Billson's claim that the EU ETS costs around $1 per person compared to around $400 per person in Australia.

Senator Joyce: Mr President, I rise on a point of order. This is a question about businesses, and we are getting an answer about households. He might have been handed the wrong piece of paper—so if the lady would like to get the right piece of paper and bring it back to him?

The PRESIDENT: That is not a point of order.

Senator LUDWIG: Yes, perhaps foreign investment.

Senator Joyce interjecting— Senator Wong: You should stick to foreign investment.

Senator LUDWIG: Obviously, you do not want to hear the answer to your question, Senator Joyce. The final auction arrangement, which is about how we transition to an ETS, will be through a

(Time expired)
legislative instrument which we intend to make early next year, after further consultation with stakeholders. The pollution cap will be set in 2014 after advice from the Climate Change Authority. That is the system we will employ to move from a fixed price to an emissions trading scheme. (Time expired)

**Broadband**

**Senator GALLACHER** (South Australia) (14:39): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister advise the Senate why the government is building the National Broadband Network to deliver at least 100 megabits per second on the fibre-to-the-home network? Is the minister aware of any alternative proposals?

**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) (14:40): I thank the senator for his question. The Gillard government is committed to building the NBN to meet Australia's current and future broadband needs. Those opposite have no similar commitment. The member for Wentworth continually denies there is a need for speeds above 25 megabits a second—he is continually in denial. Let me give you just one description of a typical family by an executive of a European technology company that disagrees with Mr Turnbull. The executive said:

Between 8 and 10pm, the mother is watching a 3D movie, which uses about 30Mbps; the father is doing two things at once: uploading his weekly work at 5Mbps upstream, and watching the World Cup on HD IPTV, which consumes about 15Mbps. The daughter is streaming her university courses from her university website at about 10Mbps, while the other 2 kids are playing a streaming game that uses 5Mbps and uploading a video of their last football match to Facebook, again at 5Mbps upstream. Combining these gives a total download of 60Mbps and 10Mbps upload - that still leaves 40Mbps for other new usages.

So who is this technology executive, Mr President—I hear you ask? It is of course Jean-Claude Bourgoint, the Director of Fixed Access Networks and Services at French Telecom. Mr Bourgoint is explaining why the bandwidth of fibre to the home is essential. There are so many uses for broadband households. They will not do only one thing at a time, as Mr Turnbull is trying to tell them they can only do. Mr Bourgoint went on to say:

Whilst I have not yet seen— (Time expired)

**Senator GALLACHER** (South Australia) (14:42): Mr President, I ask a supplementary question. Can the minister provide other examples of telecommunications executives explaining the benefit of fibre to the home over other technologies, including hybrid fibre coax?

**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) (14:42): I told the Senate yesterday of the plans of Telefonica to provide fibre to the home to 1.3 million premises in Madrid. In making the announcement, this is what the Telefonica executives had to say:

Compared to other solutions combined with hybrid fiber coaxial cable, optical fiber deployment to the home offers the best performance, not just download speeds, but upload to the network, facilitating and making more flexible management of all services, applications and content that is in the cloud. Telefonica, just like Telecom France, know that fibre to the home provides the best solution to our future broadband needs.
Those opposite should stop listening to Mr Turnbull but start listening to the companies he invests in.

Senator GALLACHER (South Australia) (14:43): Mr President, I ask a further supplementary question. Can fibre to the node provide a cost-effective pathway to fibre to the home?

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) (14:43): The member for Wentworth, despite his own personal investment habits, continues to insist that Australia does not need fibre to the home. He claims we can make do with fibre to the node for the rest and extend to the home some time in the future. Last September, Xavier Pichon, the Chief Financial Officer of France Telecom, told an investment conference that FTTC CAPEX are not reusable as part of an FTTP deployment. Mr Turnbull's plan will waste capital expenditure by delaying the inevitable. The member for Wentworth has called for an end to spin, exaggeration and misstatements in political discourse. He should start by telling the truth— (Time expired)

Economy

Senator HUMPHRIES (Australian Capital Territory) (14:44): Mr President, my question is to the Minister representing the Treasurer, Senator Wong. I refer the minister to the recent Global competitiveness report 2012-2013 by the World Economic Forum. Given the World Economic Forum ranked Australia 15th in the world in global competitiveness three years ago, can the minister explain why in the latest global competitiveness rankings Australia has now dropped to 20th in the world under the life of the Rudd and Gillard governments?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:46): The question seems to assume or to make a clear implication that people do not want to invest in this country. And if that is the case, why is it we have seen private investment at the highest level as a share of the economy in 40 years? Why is that? Why have we got half a trillion dollars of investment in the resources sector pipeline, more than half of that at the advanced stage?

I know this is good news that those opposite do not want to hear, but the reality is that the figures on investment coming into this country, even though I note that the opposition do not want—

Honourable senators interjecting—

Senator WONG: If the senator cares about the attractiveness of Australia as an investment destination, he should first recognise that there is more investment occurring in this country than we have seen for decades previously. It certainly is a share of the economy; we certainly have a far larger investment in the resources sector than we have ever seen. He should also perhaps walk down to the end of the chamber and have a chat to the leader of—of course you would! I know you are sensitive about this; so sensitive!

Senator Brandis: Mr President, I rise on a point of order going to relevance. The question was about competitiveness. The question asked one thing: why has Australia slipped from 15th to 20th on the competitiveness table. It was not about investment. You should direct the minister to the question.

The PRESIDENT: I believe the minister is answering the question. The minister has 48 seconds remaining.

Senator WONG: According to Senator Brandis economics, investment and competitiveness are completely different; they
are never linked and there is nothing associated with competitiveness when people look at investment. That is clearly the position of the coalition. And I can understand why he is so sensitive and has to take a point of order when I point out the ridiculous position that the opposition are in when it comes to their position on foreign investment. We have the chest-beating up here, but it is now very quiet from the National Party mice down in the corner. They roar outside of here, but then tiptoe in after Mr Robb makes sure he pulls them into line. That is the reality, Mr President.

Senator HUMPHRIES (Australian Capital Territory) (14:49): Mr President, I ask a supplementary question. I refer to those World Economic Forum rankings. The economic rankings across 144 countries also measure the extent to which taxation impacts on the incentives to work and invest. Does the government believe its carbon and mining taxes might have contributed to Australia slipping from 66th in the world to 103rd in the world—out of 144 countries—under the life of the Rudd and Gillard governments?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:50): It is true that you have to have an eye to the effect of taxation on work and investment. That is one of the reasons why this government is implementing an increase in the tax-free threshold, which will particularly ensure low-income Australians can receive more of every dollar they earn. That is an incentive to participation. That is ensuring that taxation instils the incentive to work. It is a good policy and it is a discredit the opposition that they are opposing it. But when—

Opposition senators interjecting—

The PRESIDENT: Order!
these reports, I suggest he go and talk to Premier Baillieu (Time expired)

**Asylum Seekers**

**Senator HANSON-YOUNG** (South Australia) (14:54): My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Lundy. Minister, noting that the numbers of people waiting for deportation to Nauru now exceed the numbers and capacity on Nauru and that Houston panel member Paris Aristotle stated this morning that we will continue to see desperate people take risky boat journeys to Australia until the government fully implements and honours its commitment to lift the humanitarian intake and resettle more people—

*Honourable senators interjecting—*

**The PRESIDENT:** Order! Just wait a minute, Senator Hanson-Young. Order on both sides. Senator Hanson-Young is entitled to be heard in silence. Please continue, Senator Hanson-Young.

**Senator HANSON-YOUNG:** Thank you, Mr President. Given that Paris Aristotle has said that the government needs to increase its humanitarian intake with direct resettlement from Indonesia, Malaysia and Pakistan, is the government misleading the Australian public when it claims that offshore processing on Nauru is acting as a deterrent?

**Senator LUNDY** (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:56): The government is determined to implement the expert panel's recommendations to stop the flow of boats and prevent the loss of life on dangerous boat journeys. There will be no advantage for people risking their lives on people-smuggling boats. We have to let these policies be implemented and allow them to start to work, so I think it is a bit rich to begin passing judgement on a set of policies, as is implied in the question, when they are in the process of being implemented.

I think it is important that everyone acknowledge that we allow the first transfers to get away to Nauru and start to see the policy at work. The message that will send is that there will be no advantage for people arriving by boat. The government expects to begin transferring IMAs to Nauru later this week and expects to have 500 asylum seekers on Nauru by the end of September. We are currently finalising arrangements for regional processing on Nauru, with the negotiations around provision of services at the offshore processing facilities ongoing, and I know the minister will announce further details in due course.

As the minister has already said, Nauru will shortly be ready to receive asylum seekers, with up to 500 places available by the end of September, subject to the designation of Nauru as a regional processing centre, which is currently the subject of debate within the Senate. Finally, as Senator Hanson-Young knows, we have increased our humanitarian program to 20,000, which is the single largest increase in our humanitarian intake for some 30 years.

**Senator HANSON-YOUNG** (South Australia) (14:57): Mr President, I ask a supplementary question. Minister, when indeed is the government going to implement the increase to the humanitarian intake? When is the first group of refugees from Indonesia, Malaysia and Pakistan expected to arrive in Australia?

**Senator LUNDY** (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:58): Senator Hanson-Young, I am happy to refer the detail of that to the minister. The issue is that we have announced the increase of
20,000 people in our humanitarian intake. Our increased refugee intake and the $10 million boost to regional capacity building, including the UNHCR processing in Indonesia, shows that Australia remains, as ever, committed to delivering better protection outcomes in our region.

Senator HANSON-YOUNG (South Australia) (14:58): Mr President, I ask a further supplementary question. It seems that the minister was unable to answer that question, and I hope that it will be taken on notice. Minister, how long will women and children be detained in tents on Nauru?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:59): Again, as Senator Hanson-Young well knows, it is envisaged that, for some period, hopefully not too long—

Honourable senators interjecting—

The PRESIDENT: Order! Wait a minute, Senator. Order on my left!

Senator Cameron interjecting—

The PRESIDENT: Senator Cameron, I am trying to get order so that I can hear Senator Lundy's answer. Senator Lundy, continue.

Senator LUNDY: Senator Hanson-Young, I think, understands well that the minister has made a statement about the use of temporary accommodation on Nauru and that this will make it possible for transfers to occur—hopefully the first transfers to occur later this week. It is envisaged now that, as I understand it, with arrangements in place for permanent accommodation to be built, they will be housed in appropriate accommodation using tents and so forth for the intervening period.

Can I also add that in putting in place these arrangements every care is being taken by the Australian government to ensure that the welfare of people transferred to Nauru is looked after. We have addressed these concerns both through the discussion in the Senate through the course of the passage of the legislation relating to offshore processing, and it is, of course, subject to the current debate—(Time expired)

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Resources and Energy

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (15:01): This is further to an answer to a question Senator McKenzie asked me in my capacity representing Mr Ferguson regarding power station closures. It was a question on 21 June. Minister Ferguson has provided more information supplementary to the answer given. I think he has sent that to Senator McKenzie today, but I would like to incorporate that into Hansard, with the permission of the Senate.

Leave granted.

The document read as follows—

Dear Senator

Thank you for your interest in the Government's Contract for Closure program. I appreciate and understand your concerns about the potential consequences of this program to the Latrobe Valley region.

As you may be aware, on 5 September 2012 I announced the Government's decision to cease negotiations with those highly emissions-intensive coal-fired electricity generators eligible for the Contract for Closure program. The Government will not be funding the closure of any eligible power stations as it could not be satisfied that entering into such agreements offered value for money.

The Government has consistently stated throughout the negotiation process that a finite
envelope of funding would be available and that closure payments would not be agreed at any price. The decision was taken to cease negotiations as a material gap remained between what generators were seeking and what the Government was prepared to pay.

The Government remains committed to making structural adjustment assistance available to support workers and regional communities that may be significantly affected by the introduction of carbon pricing. The Regional Structural Adjustment Assistance Fund has been set aside for this purpose, which will be managed by the Department of Regional Australia, Local Government, Arts and Sport.

The Government has an ongoing commitment to supporting the Latrobe Valley region and is working in partnership with all levels of government and local leaders to develop a plan for economic diversification, such as responding to the Latrobe Valley Transition Committee report.

Furthermore, the Australian Government is providing over $1 billion to support the Carbon Capture and Storage Flagships CarbonNet Project, which aims to capture emissions from electricity generators and industrial processes in the Latrobe Valley and store emissions in the geological substrate. The Government has also recently committed to jointly fund the $90 million Advanced Lignite Demonstration Program with the Victorian Government. This initiative is supporting the demonstration and deployment of emerging technology to reduce greenhouse gas emission intensity of lignite (brown coal) and improve the economically recoverable return from lignite.

Thank you again for your interest in the Contract for Closure program. I trust this information is of assistance.

Yours sincerely
Martin Ferguson

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Asylum Seekers

Senator CASH (Western Australia) (15:01): I move:

That the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by Senator Cash today relating to border protection and asylum seekers.

The height of arrogance is when a person who has been proven wrong refuses to admit that a decision that they took—and it may have been in good faith at the time—has been found to be completely, totally and utterly wrong. That is what we saw in the answers given by Minister Evans today to the questions that I posed to him. Despite the fact that his actions alone when Minister for Immigration and Citizenship have been completely, totally and utterly rebuked by the Labor Party, the minister still fronts question time today and refuses to accept that the actions that he took in revoking the Pacific solution were the wrong actions.

This is a minister whose actions resulted in $5 billion of taxpayers' money being wasted; 24,697 people arriving on 422 boats; and, what is worse, 704 verified deaths that have occurred since 2009. And the minister has the arrogance to reaffirm—not only last night on Q&A, but in the Senate today, that he is proud of the decisions that he took when minister for immigration in dismantling the former Howard government's Pacific solution. That is a decision that we know, with the tabling of the instrument of the designation of Nauru as an offshore processing country, has been refuted. Anybody who has read the reasons given by Minister Bowen for the designation of Nauru would know that everything that Minister Evans did when he was the minister for immigration has been completely, totally and utterly refuted and rebuked by the current Labor Party.

Despite the fact that the Houston report has effectively recommended the reintroduction of the Pacific solution, the
Labor Party continues to say no to the reintroduction of the full suite of measures. This is despite the fact that yesterday was a historic day when it comes to border protection in Australia, because yesterday Australians witnessed the 10,000th person to arrive. Someone said to me earlier today, 'Was that in the entire time that the Rudd and Gillard governments have been in power?' And I said: 'You've got to be kidding me. That is almost 25,000 people. Yesterday Australians witnessed the arrival of the 10,000th person this year alone.'

Again, even that statistic fails to deter those on the other side to actually stop and consider that—despite the fact that when we were in government they continued to tell us that offshore processing would never work; despite the fact that for the last 4½ years we have told them that it did, statistics do not lie; but they have continued to demonise the coalition—the Houston report has effectively endorsed the position that Mr Howard took.

The Labor Party have now done what is now known as one of the greatest political backflips of all time and they have now endorsed at least the first step of the Howard government's policies. It does not go far enough and one can only think: how many more people will it take to arrive before the Labor Party understands that it is only by introducing the full suite of the Howard government's border protection policies that will restore integrity to the borders of Australia.

Senator MOORE (Queensland) (15:06): Throughout the time that I have been in this place the issue of asylum seekers has continued to be important in debate in the process. We on this side of the chamber consistently stressed, when we were both in opposition and in government, the need to look at the issue in terms of compassion and the desperation of the people who were caught up in the horror of seeking asylum. What we have had today in the original contribution by Senator Cash is a return to the kind of debate which has haunted this place consistently for this whole time, to turn it into an attack on the government, to turn it into a contribution by using the term 'arrogance'. It is unbelievable at this time when our government has worked through an extraordinarily difficult process looking at thousands of people in need who are seeking aid and working through the Houston inquiry report and the process that came back to this chamber. I actually stress that anyone who has read the Houston inquiry report and who has actually seen the numerous pieces of evidence gathered by the trio of people who worked on that inquiry—Air Chief Marshal Houston, Mr Aristotle and Professor L'Estrange—would know that at no time did they ever link the recommendations that they made to this government to what was known as the Pacific solution. It was not this government that said that the recommendations should not be what was put forward by the Pacific solution. It was not our government that said that. It was in...
fact the Houston inquiry that said that. They drew clear differentiation between what was happening in the past and what their recommendations said, and our government admitted that we would come back into this place and implement what was said in the Houston inquiry report.

Certainly, offshore processing is a key factor. It is a very difficult thing for people to accept when we have actually worked to try to look at alternatives over many years but, yes, offshore processing is where we are now. But it is not the Pacific solution. As we have heard consistently, putting through the full suite of what was in place before is not the intent or the policy of this government. The transparency that will now be put on the process was never in evidence in the Pacific solution. The process of actually stopping people looking at claims into the future and stopping looking at legal alternatives were never part of the Pacific solution. In fact, the way that the previous government operated—which we debated many times in this place—had no way of looking at the deep need of those who were seeking asylum.

There is no doubt that the core aspect must be to break the people-smuggling trade. That is the greatest challenge that we have. The desperation of the people who take to those boats is admitted across the board. I shudder to think of the way that people continue to use the loss of life through drowning as a political argument and yet it consistently comes up. In fact, in this place it has been said at times that the tremendous awful—and I use that word in its true sense—loss of life that has occurred over many years through people-smuggling did not appear suddenly when there was a change of government. To our shame, people were lost many times. We will never know the numbers of people who have been lost, but now we are looking at a way of trying—and we are really emphasising the verb 'trying'—to find ways using a range of alternatives. And again I draw people's attention to reading the whole of the Houston inquiry report to look at all the recommendations and to see the range of options that are going to be considered, one of which is the process on Manus Island and Nauru. It is only one element of the process. In fact, the commitment is to look at all the recommendations as a suite. It has been constantly stated that you cannot just choose elements of the recommendations; you need to look at all the processes and ensure that they work together.

We will continue to look at the issue of asylum seekers and to work to ensure that people are treated with respect and to ensure that they will not have an incentive to take the decision to go onto dangerous boats and to leave their place of refuge and face an unknown future. That will need the commitment of all people in this parliament. Unfortunately, even as we move and have legislation agreed, there continues to need to be this debate about what happened in the past and why we have not gone back to what happened in the past. *(Time expired)*

**Senator RYAN** (Victoria) (15:11): I am amazed by the contribution we have just had. The Labor Party is constantly coming into this place saying there should not be a debate on this. Well, there is going to be a debate on this because this is about Labor's record and Labor's record goes to whether it can be trusted to deliver a solution to this crisis that is the creation of their own actions. In the previous government—well, two governments ago if we judge the previous Prime Minister's as a different government—people on that side of the chamber, members of the Labor Party, sledged former minister Ruddock, sledged the Prime Minister and accused the Liberal Party and the coalition of immorality. They accused us of policy
failure and they blamed the government and attacked it for the loss of life at sea and then they came out with the current Prime Minister's infamous words of 'another boat, another policy failure'. So don't you come in here and start crying crocodile tears about political debate, because what you said, particularly about former minister Ruddock, was nothing short of a disgrace and history will judge you for it.

This debate is happening because of Labor's record. I note that members of the Labor Party seem to be running away from the term 'Pacific solution' and trying to differentiate it. There are reasons this is different but I say that the only difference for the Labor Party is that while they are sending people to the Pacific this will not provide a solution to the crisis they have created. It is difficult to define the greatest failure of this government. Some might say it would have been pink batts, houses burning down and, sadly, a few tragic deaths and billions wasted. Some might say it would be the record deficits. But I would say that the unwinding of a successful border protection policy, the unwinding of a successful refugee-processing policy and the loss of control over people seeking access to our nation is without a doubt its greatest failure, not only for that but also because of the loss of life. It is one of the most basic definitions of a state, being able to control access to and egress from one's own borders.

We had a situation under the previous government that worked. The Labor Party broke it. You were warned about the consequences and you were warned that you were creating pull factors but your hubris meant that you refused to listen. You thought you had all the answers. You had impugned the motives and actions of the previous government and you ignored the warnings that you were given. You created this crisis that this country has suffered from, as have the many people who have sought to cross the seas on dangerous boat journeys. Let us look at the consequences: 25,000 asylum seekers—more than the annual humanitarian intake for this country—including 10,000 this year and nearly 2,000 since the Labor Party announced its so-called solution. Then, of course, there is the tragedy of more than 700 known deaths at sea. Minister Evans said at the time, followed by speaker after speaker, 'Pull factors are irrelevant. These are all push factors.' We know that is not the case. You now admit that is not the case, but you are not putting in place the solutions that are necessary to prevent these dangerous journeys from occurring. You talk about incentives. You talk about providing no advantage. Yet you accuse the previous government of being morally repugnant for having a deterrent in place—as if passing the words in the modern Labor Party style somehow gives you a claim to moral superiority. This is typical of the Labor Party. The Labor Party will not admit that it got it wrong. Until it understands why it got this policy wrong, it cannot be trusted to fix the crisis that it has created.

I note that the previous speaker talked about the Houston report as requiring a suite of measures. The opposition has long said that a suite of measures is necessary. The opposition had in place a suite of measures. It had in place temporary protection visas. It had in place a policy of turning back the boats where it was safe to do so. No matter how often you come in here, or go on radio, and sledge and mislead and talk about whether or not those policies work, the numbers tell the story. There were a handful of people in detention when the previous government left office, and there are now thousands of people in detention. Thousands more have gone into the community under a regime different from that which was applied under the Howard government.
Seeking to control access to the borders of one's own country is an entirely legitimate thing for the government to do. It is not something that the Greens coalition partners are happy with, I understand, but it is the right thing to do because it allows us to sustain a high humanitarian intake and a strong immigration policy.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (15:17): I rise to take note of answers as referred to by the opposition speakers who preceded me. Both of them, Senator Cash and—it temporarily escapes me—

Senator Sterle: Rhino!

Senator FEENEY: Senator Cash described Senator Evans's contribution as 'the height of arrogance' and 'Rhino'—

The ACTING DEPUTY PRESIDENT (Senator Marshall): Senator Feeney, you know you will refer to senators by their correct title.

Senator FEENEY: Senator Ryan talked about how unwinding this legislation was a disgrace. I think it is a fascinating thing to recall that both of those good senators were referring to legislation that they had both voted for. Both of them voted for that legislation.

I think it is worth going back through the chronology of this issue and how we have arrived at the point where we are now—and, I would contend, how the coalition has, again and again, disgraced itself by pursuing politics to the detriment of good policy. In terms of more recent history, Mr Acting Deputy President, you will recall that the decision of the High Court had a profound effect on how this debate moved forward. The High Court found that the various provisions and arrangements that were reached—the so-called Malaysia solution—were not able to be supported through the legislation and that amendments to the legislation were required in order to facilitate the Malaysia solution. Critically, that decision of the High Court also meant that previous activities undertaken by the Howard government, such as its operations on Nauru in previous years, would have been made impossible. So both the coalition and the Labor government found themselves, at that moment, in a very interesting place. They found themselves in a place where both required amendments to the legislation in order for each to make possible their own policy.

Given the state of the parliament—the fact that no one party has clear control over the House of Representatives—it was obvious that an agreement had to be reached immediately between the two parties. One would have thought that if there were one field of endeavour where agreement might be possible, even in the current stalemated conditions we are in—even with the 'no-alition' having long embedded itself in blind and stubborn oppositionalism for month after month—this might be the one where both parties could in fact reach an agreement. Each party needed such amendments in order to make their own policies possible and, of course, there was the urgent nature of the conundrums confronting us: unauthorised boat arrivals and people dying at sea. Alas, that proved to be a naive hope. Our attempts to reach out to the opposition and say, 'This is a moment when we should both be supporting amendments in the House' were rejected. Even when the government put to the opposition that amendments could be made to the legislation that would make Malaysia, Nauru and Manus Island all possible, they refused it. Of course, they did so because the coalition ultimately did not want a fix to this problem; they wanted a crisis—and the longer, the deeper and the darker that crisis, the happier they would be. Mindless arguments about push and pull
factors, the fact that there are some 40 million refugees in the world at the moment, the reality that this is going to be a challenge that confronts every government for the foreseeable future—none of that mattered a jot to those opposite. What mattered to those opposite was that a feeling of crisis and angst could be manufactured in the broader community, that the broader community could come to believe that the government was unable to fix the problem, and that the only change would be a change of government. That is their mantra and that is where they have remained.

To the lasting tribute of Angus Houston and the team that he led, we were able to create a situation in public life where the position of the opposition—their absolute refusal to confront the need for bipartisanship and real policy change—was bowled over. Nonetheless, all is not well and we continue to see the opposition referring to this nonsensical policy of turning back the boats. And, of course, we continue to see this arrogance on the other side where they say on the one hand that they will not support—(Time expired)

Senator SINODINOS (New South Wales) (15:22): I think the Minister for Foreign Affairs, Senator Bob Carr, is right. You cannot have a situation where the number of unauthorised boat arrivals continues to rise in this way, and we do need to find a set of sustainable solutions. This crisis has been going on for some time. Without going into the whole history of this debate, it is true to say to the point that the previous speaker made about having a confusing debate about push and pull factors, the fact is that in 2009 the Australian Federal Police advised the government that changes to the legislation had the effect of encouraging people who might otherwise look elsewhere again to look at Australia. In other words: yes, there are push factors in the world—there are a lot of refugees in the world and we all accept that. That is why we have one of the most generous refugee and humanitarian programs in the world. But the essence of the problem was changes to legislation.

Of course, you could say it was all well meant and we were trying to find a better balance. Senator Evans tried to run this at question time, but the fact is people did not take into account the impact that would have on the attractiveness of Australia as a destination. Australia is a very attractive place for people wanting to leave their countries and we know that. We have a generous immigration program, but we lose confidence and support from the community for the program if it looks like we cannot control our borders. That is a fundamental reality.

Labor for a decade in opposition tried to think of fudges on this issue, because they believed it was just a political issue. It is a policy issue. There is a part of the Australian electorate, a very big part of the Australian electorate, which believes a core business of government is to enforce strong borders. If we are talking about evidence based policy making, that old Kevin Rudd mantra, 2009 was a time when that advice from the Australian Federal Police should have got people in government thinking, 'Maybe there's a problem and let's monitor it.' Kevin Rudd was caught unawares by what happened in late 2009, when the Oceanic Viking and others came on the horizon, as you may recall. He had to zig and zag, change policy, try and make policy on the run, enlist the support of President Yudhoyono in order to achieve some deterrents. Then we had what happened after that, once Rudd was removed and Julia Gillard tried to have the East Timor processing centre. Then we had the Malaysia solution and so on and so forth.
The reality is that if we are talking about pure political responses, what the government should have done in 2009-10 was to move immediately to neutralise the potential attacks on it by adopting a full suite of measures at that stage. If it had done that then by now we would have had field evidence of whether those measures had worked and more was needed. Instead the government had to be dragged kicking and screaming into everything it did. In the end it had to outsource the actual policy making to the Houston committee to come out with a report which, nuanced as it was, essentially said we need the full suite of measures. Yes, Houston also talked about Malaysia and all the other stuff we have debated in this chamber, but essentially what the Houston committee said was we need the full suite of measures and a comprehensive approach.

I support a comprehensive approach. I supported it from day one, in the early 2000s when I was involved in this process in the Prime Minister's office. The view we took the day that the 
Tampa 
detoured from Indonesia towards Australia was that there was no way any self-respecting Australian government would survive if it just simply laid out the welcome mat to everybody who could divert a ship into Australian waters and take it from there. We had to take a stand and we took a stand then. It was a tough stand, but sometimes you have to take a tough stand up-front in order to deter activity which will cause more pain and injury down the track. What we are trying to do here is send a message. Luckily between the coalition and the government we are sending the message that we want to deter people getting on leaky boats and risking their lives.

There is more to be done. Unfortunately this is one of those sagas where over time the government will have to do more and more. That is not because the opposition has somehow been dragging its feet. We have encouraged the adoption of a full suite of policies from day one. The art of statesmanship is the capacity to grasp a problem before it becomes a crisis, so you do not look as if you are always being dragged kicking and screaming to deal with a crisis. I urge the government to do everything it can to adopt a full suite of measures sooner rather than later and come back to the opposition and say, 'We've done X, Y and Z; now help us on A, B and C.'

Question agreed to.

Pensions and Benefits

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:27): I move:

That the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by Senator Siewert today relating to income support payments.

The reason I asked these questions is there has been speculation in the media as a result of reading the government department submissions to the Newstart inquiry suggesting that somebody living on Newstart would be in a better situation than those on the minimum wage. I think the department has forgotten—or I am not suggesting this was on purpose because I would not want to infer that—to take into account that somebody living on the minimum wage could also receive maximum family tax benefit and rent assistance. In fact, if you use what Centrelink does for those receiving benefits, which is a comparison calculator enabling people to continually check what will happen to their payments when their circumstances change, that tells us that a single parent with a two-year-old and a ten-year-old paying $250 a week rent will receive the same family tax benefit and rent assistance regardless of whether they are on the minimum wage or in receipt of government assistance. In other words, those
living on the minimum wage also receive family tax benefits. In fact, it is not true to say that those trying to live on Newstart are better off than those on the minimum wage. I am not sure why that story got legs or the government was trying to talk that up when the departmental submission seems to have some omissions.

The government also said in their submission that we need to bear in mind it is very important to know how community attitudes are perceived in this country. I will remind the chamber about those living on Newstart: one in two has not completed year 12; one in three is over the age of 45 and is suffering from age discrimination in the workplace; one in seven has a disability that, more often than not, means they can only work part time; one in 15 is a sole parent; and one in 10 is Aboriginal or Torres Strait Islander. In other words, each of these people face some barrier to finding employment.

The other part of my question related to the fact that the age pension is indexed differently to Newstart. Those living on an age pension will get an increase of $8.55 per week while those living on Newstart will get an increase of just $1.45 per week. The government's previous supplement announcement gave people an extra $4 a week—that was at least a cup of coffee; $1.45 will not even pay for a cup of coffee. The minister tried to justify this disparity by saying people are only on Newstart for a short time. Let me remind the chamber of a figure that came out of estimates at the end of last year—64 per cent of people are on Newstart for longer than a year. In other words, we are subjecting those who are living on Newstart, or trying to live on Newstart, to grinding poverty. The government try to imply that that is okay because people are only on Newstart for a short time, that they do not need an increase like those on the age pension.

We all acknowledge that people living on the age pension struggle to get by. So how will people be able to live on $130 a week less than the age pension? And in a couple of weeks that figure will be even lower—$133 a week below the poverty line. The government do not think there is a need to (a) increase Newstart by $50 a week and (b) improve indexation. If Newstart were indexed in the same way as the age pension, at least those people would get a more significant increase—the same as those on the age pension. The cost of living is going up but apparently the cost of living is not going up for those struggling to survive on Newstart. The government need to wake up and listen to those who are trying to survive on Newstart and increase Newstart by $50 a week, and increase other allowances, and start helping people out of poverty. Living in poverty is another barrier to finding employment.

Question agreed to.

NOTICES

Presentation

Senators Colbeck, Xenophon, Nash, McKenzie and Madigan to move:

That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 21 November 2012:

The proposed importation of potatoes from New Zealand, including:

(a) the validity and supporting scientific evidence underpinning the Pest Risk Analysis included in the New Zealand Potatoes Import Risk Analysis 2009;

(b) the extent of scientific knowledge and understanding of the Tomato/Potato Psyllid and other pests identified in the Draft Review of Import Conditions; and

(c) any related matters.

Senator Back to move:
That the Education, Employment and Workplace Relations References Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 17 September 2012, from 6.30 pm, to take evidence for the committee's inquiry into the allowance payment system.

Senator Milne and Senator Hanson-Young to move:

That the Senate—

(a) notes the importance of clarifying and codifying best practice guidelines for Australian agencies conducting search and rescue missions at sea; and

(b) calls on the Government to immediately implement Recommendation 13A from the report of the 2002 Select Committee on a Certain Maritime Incident, that 'operational orders and mission tasking statements for all Australian Defence Force operations, including those involving whole of government approaches, explicitly incorporate relevant international and domestic obligations'.

Senator Abetz and Senator Fierravanti-Wells to move:

That the Education, Employment and Workplace Relations Legislation Committee publish all the documents received from Fair Work Australia concerning its investigation into Mr Craig Thomson and the Health Services Union.

Senator Sinodinos to move:

That the Senate—

(a) notes that:

(i) Senator Rhiannon has acknowledged that some votes shifted away from the Greens in Marrickville in the New South Wales local government elections because of the boycott of Israel issue,

(ii) Marrickville Greens councillor, Ms Marika Kontellis, voted in 2011 to retain the Council's Boycott, Divestments and Sanctions (BDS) policy and in August 2012 attended the Byron Bay BDS conference,

(iii) the New South Wales Greens chose Mr Karel Solomon, a BDS advocate who has branded Israel an apartheid state, as a candidate for the Marrickville Council, and

(iv) Ms Irene Doutney, the Greens candidate for Sydney Lord Mayor, has supported BDS actions and said that she personally favours a full boycott of Israel;

(b) calls on the New South Wales Greens to explicitly reject the BDS policy; and

(c) condemns the BDS campaign.

Senator Abetz to move:

That the Senate—

(a) notes that the Supreme Court of Victoria issued interim injunctions against the Construction, Forestry, Mining and Energy Union (CFMEU) in relation to Grocon sites in Melbourne, and that contempt proceedings in relation to certain injunctions remain before the court;

(b) condemns the CFMEU's blockade of the Myer Emporium site, which involved violent attacks on police and police horses and posters issued by CFMEU bosses labelling workers as 'scabs';

(c) notes that Grocon workers, who are members of the CFMEU, have expressed disappointment at abuse, threats and intimidation by CFMEU bosses and at the CFMEU's failure to adhere to the law;

(d) affirms that violence, unlawful activity, bullying, harassment and thuggery have no place in any workplace; and

(e) calls on the Australian Labor Party and the Australian Greens to refuse to accept any further donations from the CFMEU until it desists from unlawful activity, thuggery and violence in the workplace.

Senator Brown to move:

That the Senate—

(a) recognises that the rate of employment for people with disability in Australia is significantly less than for people without disability;

(b) commends efforts taken so far by disability advocates and a number of big and small businesses who are working to remedy this concerning need;

(c) acknowledges the significant economic and productivity benefits of having more Australians with disability in work; and
calls on the Government to:

(i) engage with the Australian Securities Exchange (ASX) about the merits of the ASX extending their Corporate Governance Principles and Recommendations, to require reporting on the employment of people with disability, and

(ii) explore ways to ensure companies of more than 100 employees report on their efforts to employ people with disabilities.

Senator Ludlam to move:

That the Senate—

(a) notes:

(i) on 29 August and 30 August 2012 the Burmese regime removed the names of 1,147 foreign citizens, including ex-Burmese citizens, as well as 935 Burmese political dissidents from the Blacklist;

(ii) the Assistance Association for Political Prisoners (Burma) believes there are 818 political prisoners in Burma,

(iii) human rights lawyer Saw Kyaw Kyaw Min is Burma's latest political prisoner, sentenced to 6 months in jail on 29 August 2012 on contempt of court charges, after returning to Burma in May, and

(iv) 90,000 people have been displaced by the ongoing military attacks and human rights violations in Kachin State, northern Burma; and

(b) calls on the Australian Government to:

(i) call on the Burmese Government to immediately and unconditionally release all remaining political prisoners, to lift any restrictions imposed on already freed political prisoners and repeal all laws that have political prisoners arbitrarily detained,

(ii) publicly support an independent investigation into the number of political prisoners in Burma,

(iii) call on the Burmese Government and all parties to immediately cease hostilities and implement a nation-wide ceasefire, and, if necessary, invite independent international observers to monitor the implementation of the ceasefire,

(iv) encourage the Burmese Government and all parties to take further steps beyond the current ceasefire agreements and enter into a comprehensive, inclusive and time-bound political dialogue that fully engages the democratic opposition, genuine representatives of all ethnic opposition groups, and civil society actors, and

(v) support the inclusion of language of the above recommendations into the 2012 United Nations General Assembly Resolution on Burma.

Senator Di Natale to move:

That the Senate—

(a) notes that:

(i) Fetal Alcohol Spectrum Disorders, or FASD, is the leading preventable cause of non-genetic, developmental disability in Australia,

(ii) while the prevalence of FASD is unknown, conservative prevalence estimates for Fetal Alcohol Syndrome (FAS), one of the conditions within the spectrum, indicates that at least 200 children are born with FAS each year, and

(iii) there are currently limited opportunities for people to be diagnosed with FASD, and there are a lack of early intervention options and support for people with FASD, their families and carers;

(b) notes the Expert Day of FASD Briefings being held on 12 September 2012 at Parliament House and the Australian FASD Action Plan released on the same day by the Foundation for Alcohol Research and Education; and

(c) supports the Government's current commitments to research and projects relating to FASD and calls on the Government to adopt a comprehensive plan to ensure that children do not continue to be born with the condition.

Senator Di Natale to move:

That the Senate—

(a) notes the report titled Alternatives to Prohibition – Illicit Drugs: How we can stop killing and criminalising young Australians, released by Australia21 on 9 September 2012; and

(b) acknowledges that evidence-based approaches are needed in minimising the harms of drug use and appreciates the work Australia21 is doing to inform the debate on this important issue.
Senator Madigan to move:
That the Senate—
(a) expresses its condolence at the death of Ms Vikki Riley who passed away on 10 September 2012 and extends this condolence particularly to her partner and son, as well as family, friends and those she campaigned tirelessly for;
(b) notes her advocacy on behalf of refugees and the people of West Papua and East Timor; and
(c) acknowledges her work with refugees and the people of West Papua and East Timor.

Senator Waters to move:
That the Senate—
(a) notes:
(i) the intention of the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to transfer responsibility for protecting our nationally threatened species and wilderness places to state governments by March 2013, and
(ii) that the Western Australian Premier (Mr Barnett) is ready to sacrifice James Price Point for a gas hub; and
(b) calls on the Government to retain responsibility for all major decisions on environmentally damaging projects that affect our nationally threatened species and wilderness places.

Senator Milne to move:
That the following bill be introduced: A bill for an act to amend the Minerals Resource Rent Tax Act 2012, and for related purposes.

Committees
Legal and Constitutional Affairs Legislation Committee
Meeting
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (15:33): by leave—At the request of the chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I move:
That the Senate Legal and Constitutional Affairs Legislation Committee be authorised to hold a private meeting during the sitting of the Senate on Wednesday, 12 September 2012.
Question agreed to.

Notices
Postponement
The following items of business were postponed:
Business of the Senate notices of motion nos 1 to 5 standing in the name of Senator Siewert for today, proposing the disallowance of certain instruments made under the Social Security (Administration) Act 1999, postponed till 17 September 2012.

Business
Consideration of Legislation
Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:34): I move:
That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:
International Monetary Agreements Amendment (Loans) Bill 2012
Question agreed to.

Rearrangement
Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:35): I move:
That, on Tuesday, 18 September 2012:
(a) the hours of meeting shall be from 12.30 pm to 6.30 pm and 7.30 pm to adjournment;
(b) the routine of business from not later than 7.30 pm shall be consideration of the government business order of the day relating to the Marriage Amendment Bill (No. 2) 2012, and
(c) the question for the adjournment of the Senate shall be proposed at 10 pm.
Question agreed to.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:36): I move:

That the Marriage Amendment Bill (No. 2) 2012 be listed on the Notice Paper as a government business order of the day.

Question agreed to.

COMMITTEES

Cyber-Safety Committee

Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (15:37): At the request of Senator Bilyk, I move:

That the Joint Select Committee on Cyber Safety be authorised to hold public meetings during the sittings of the Senate to take evidence for the committee's inquiry into cyber-safety for senior Australians, from 4.15 pm to 6 pm, as follows:

(a) on Wednesday, 19 September 2012;
(b) on Wednesday, 10 October 2012;
(c) on Wednesday, 31 October 2012; and
(d) on Wednesday, 28 November 2012.

Question agreed to.

Public Accounts and Audit Committee

Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (15:37): At the request of Senator Bishop, I move:

That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sitting of the Senate on Wednesday, 10 October 2012, from noon, to take evidence for the committee's inquiry into the review of Auditor-General's reports.

Question agreed to.

Environment and Communications

Legislation Committee

Environment and Communications

References Committee

Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (15:37): At the request of Senator Cameron, I move:

That the Environment and Communications Legislation Committee and the Environment and Communications References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate as follows:

(a) on Wednesday, 10 November 2012, from 11 am, followed by a private briefing; and
(b) on Wednesday, 28 November 2012, from 11 am, followed by a private briefing.

Question agreed to.

BILLS

Privacy Amendment (Enhancing Privacy Protection) Bill 2012

Allotment of Time

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (00:00): At the request of Senator Crossin, I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the
Privacy Amendment (Enhancing Privacy Protection) Bill 2012 be extended to 20 September 2012.

Question agreed to.

COMMITTEES

Australian Commission for Law Enforcement Integrity Committee

Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate)

(15:37): At the request of Senator Cash, I move:

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

(a) on Thursday, 11 October 2012;
(b) on Thursday, 1 November 2012; and
(c) on Thursday, 29 November 2012.

Question agreed to.

Treaties Committee

Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate)

(15:37): At the request of Senator Fawcett, I move:

That the Joint Standing Committee on Treaties be authorised to hold public meetings during the sittings of the Senate to take evidence for the committee's inquiry into the ongoing review of tabled treaty actions, from 1 pm, as follows:

(a) on Monday, 29 October 2012; and
(b) on Monday, 26 November 2012.

Question agreed to.

Community Affairs Legislation Committee

Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate)

(15:37): At the request of 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 on Tuesday, 18 September 2012, from 12.35 pm.

Question agreed to.

Foreign Affairs, Defence and Trade Joint Committee

Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate)

(15:37): At the request of Senator Moore, I move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 9 October 2012, from 1 pm to 2 pm, to take evidence for the committee's inquiry into slavery, slavery-like conditions and people trafficking.

Question agreed to.

Law Enforcement Committee

Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate)

(15:37): At the request of Senator Nash, I move:

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

(a) on Wednesday, 19 September 2012;
(b) on Wednesday, 10 October 2012;
(c) on Wednesday, 31 October 2012; and
(d) on Wednesday, 28 November 2012.

Question agreed to.
Community Affairs References Committee
Reporting Date

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (15:37): At the request of Senator Siewert, I move:

That the time for the presentation of the report of the Community Affairs References Committee on palliative care in Australia be extended to 10 October 2012.

Question agreed to.

Community Affairs References Committee Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (00:00): At the request of Senator Siewert, I move:

That the Community Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 18 September 2012, from 12.35 pm.

Question agreed to.

Gambling Reform Committee Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (15:37): At the request of Senator Xenophon, I move:

That the Joint Select Committee on Gambling Reform be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 4 pm, as follows:

(a) on Tuesday, 18 September 2012;
(b) on Tuesday, 9 October 2012;
(c) on Tuesday, 30 October 2012; and
(d) on Tuesday, 27 November 2012.

Question agreed to.

NOTICES
Withdrawal

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:38): by leave—I withdraw general business notice of motion 901 standing in the name of Senator Abetz.

MOTIONS

Minerals Resource Rent Tax

Senator CORMANN (Western Australia) (15:38): I seek leave to amend notice of motion 906 standing in my name for today ordering the production of documents on the Minerals Resource Rent Tax before asking that it be taken as formal.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:37): Could we have some detail, please?

The ACTING DEPUTY PRESIDENT: Senator Cormann, you might clarify the position.

Senator CORMANN (Western Australia) (15:37): I seek leave to move an amendment to delete paragraph 1A from the motion before the chamber.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:37): Let us defer this one until later.

The ACTING DEPUTY PRESIDENT: It would assist the chamber if we defer this matter for a few moments to allow some consultations to take place.

Paralympic Games

Senator BERNARDI (South Australia) (15:39): I, and also on behalf of Senators Fifield and Lundy, move:
That the Senate—
(a) congratulates:
   (i) the Australian Paralympic Team on its performance at the London 2012 Paralympic Games,
   (ii) Mr Matthew Cowdrey for his achievement on becoming Australia's most successful paralympic athlete with 13 career gold medals, and
   (iii) Ms Jacqueline Freney for winning eight gold medals and being the highest-ranked medallist for the London 2012 Paralympic Games;
(b) acknowledges:
   (i) the dedication and effort of the Australian Paralympic Committee, Australian athletes, coaches and support staff in representing our country, and
   (ii) that the success of the Australian Paralympic Team is an inspiration to all Australians; and
(c) notes that the Paralympics is important for promoting sport for all Australians.

Notice of motion altered on 10 September 2012 pursuant to standing order 77.

Question agreed to.

Cubbie Station

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:39): At the request of Senators Abetz and Joyce, I move:

That the Senate:
(a) notes that:
   (i) there is bipartisan support for foreign investment, provided that the particular foreign investment is not contrary to the national interest,
   (ii) the Treasurer (Mr Swan) has approved the potential sale of Cubbie Station to a consortium 80 per cent owned by Shandong RuYi Scientific and Technological Group Co Ltd,
   (iii) the Treasurer has failed to explain why the potential sale to a majority foreign-owned consortium of one of Australia's most valuable irrigation properties, with a water licence equal to 6 per cent of the water use in the northern Murray-Darling Basin, is not contrary to the national interest, and
   (iv) Annex II of the Treasurer's own policy on foreign investment requires him to consider the effect of the proposal on:
      (A) the quality and availability of Australia's agricultural resources, including water,
      (B) land access and use,
      (C) agricultural production and productivity,
      (D) Australia's capacity to remain a reliable supplier of agricultural production both to the Australian community and our trading partners,
      (E) biodiversity, and
      (F) employment and prosperity in Australia's local and regional communities;
(b) calls on the Treasurer to provide a statement detailing:
   (i) how the Treasurer determined the ownership and control of the consortium, particularly in the context of the national interest,
   (ii) why the Treasurer did not publish an interim order to extend the period of consideration by 90 days as required by Australia's Foreign Investment Policy, and
   (iii) why the sale is not contrary to the national interest and release the advice to the Treasurer from the Foreign Investment Review Board (FIRB) and associated documents, including what, if any, other options were considered; and
(c) calls on the Government to ensure that foreign investment transactions are transparent by:
(i) establishing a publicly available national register of all foreign acquisitions of Australian agricultural land,

(ii) reducing the financial threshold for FIRB examination of foreign acquisitions of Australian agricultural land, and

(iii) ensuring that at least one member of FIRB has experience in agricultural management.

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:37): I seek leave to amend the motion in the manner circulated in the chamber by adding at the end of the motion a new paragraph, which should be in front of you all:

Applying a clearly defined national interest test which considers whether Australia’s economic interests are safeguarded and promoted, assessing whether an investment will allow for Australian oversight and involvement such as Australian directors or head office, and the business experience and character of the investor.

Leave not granted.

The ACTING DEPUTY PRESIDENT: The question is that the motion be agreed to.

The Senate divided. [15:45]

(The Acting Deputy President—Senator Marshall)

Ayes......................38

Noes......................25

Majority..................13

AYES

Ruston, A
Seullion, NG
Sinodinos, A
Waters, LJ
Williams, JR

NOES

Bilyk, CL
Brown, CL (teller)
Collins, JMA
Crossin, P
Faulkner, J
Furner, ML
Hogg, JJ
Lundy, KA
Moore, CM
Singh, LM
Sterle, G
Thorp, LE
Wong, P

Question agreed to.

DOCUMENTS

Minerals Resource Rent Tax

Order for the Production of Documents

Senator CORMANN (Western Australia) (15:47): I seek leave to amend general business notice of motion No. 906 standing in my name, ordering the production of documents on the minerals resource rent tax, by omitting paragraph 1(a).

Leave granted.

Senator CORMANN: I move the motion as amended:

(1) That the Senate calls on the Government to explain its continuing failure to provide monthly updates of the MRRT revenue collections as promised.

(2) That there be laid on the table by the Minister representing the Treasurer, no later than noon on the 30th day of every month, information relating to the MRRT revenue collected by the Government in the preceding calendar month.
broken down by state or territory of collection and by commodity type.

(3) If the Senate is not sitting when a statement is ready for presentation, the statement is to be presented to the President under standing order 166.

(4) This order is of continuing effect.


The ACTING DEPUTY PRESIDENT (Senator Marshall) (15:48): Leave is granted for one minute.

Senator JACINTA COLLINS: I would like to reiterate the commitment that the government has previously made on this issue and will commit to publishing monthly updates on revenue collections for resource rent taxes. However, the government will not be able to comply with this order in its current form. The first quarterly instalment of the MRRT is due later this year. Following the instalment the finance minister will publish resource tax estimates on a monthly basis.

Senator CORMANN (Western Australia) (15:49): I seek leave to make a brief statement.

The ACTING DEPUTY PRESIDENT: Leave is granted for one minute.

Senator CORMANN: I thank the Senate. The government has been ducking and weaving now for two years, trying to avoid scrutiny of its mining tax revenue estimates. There continues to be serious doubt about the revenue the mining tax will raise. The government has refused for two years to release the commodity price and production volume assumptions—information which state governments release transparently as a matter of course in their budget papers.

Of course, when faced with the potential that the Greens might vote against their mining tax legislation in the Senate earlier this year, the Prime Minister made a promise to the Greens that the government would publish monthly updates on mining tax revenue collections. The government should have known that they would not be in a position to comply and to follow through on the Prime Minister’s promise. This is yet another broken promise by Julia Gillard, our Prime Minister. This is all just part of a big mining tax mess.

Question agreed to.

Defence White Paper

Senator LU DLAM (Western Australia) (15:50): I move:

That the Senate—

(a) notes evidence provided at Senate Estimates on 28 May 2012 by the Secretary of the Department of Defence (Mr Lewis), regarding the 2013 Defence White Paper process not including a community consultation process, but instead engaging peak organisations, industry groups and think tanks; and

(b) calls on the Government to:

(i) detail which peak organisations, industry groups and think tanks will be afforded the opportunity to provide input into the 2013 Defence White Paper and the criteria for their selection,

(ii) state the reasons for not incorporating a public consultation component into the development of the paper, and

(iii) advise the Senate whether the Government is interested in hearing from the Australian public on the development of the paper, and if so, how.

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

The Senate divided. [15:15]
(The Acting Deputy President—Senator Marshall)

Ayes....................9
Noes.......................31
Majority ...............22

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

NOES
Back, CJ
Bilyk, CL
Brown, CL
Cash, MC
Cormann, M
Fawcett, DJ
Furner, ML
Johnston, D
Ludwig, JW
Marshall, GM
Moore, CM
Payne, MA
Ruston, A
Smith, D
Thistlethwaite, M
Williams, JR
Bernardi, C
Bishop, TM
Cameron, DN
Collins, JMA
Crossin, P
Fifield, MP
Gallacher, AM
Kroger, H (teller)
Madigan, JJ
McKenzie, B
Nash, F
Pratt, LC
Singh, LM
Stephens, U
Urquhart, AE

Question negatived.

Senator JOHNSTON (Western Australia) (15:58): I seek leave to make a short statement.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Leave is granted for one minute.

Senator JOHNSTON: The coalition could not support that last motion, although it had a number of matters which we could support. The reasons are as follows. The 2009 white paper was an extremely exhausting process, with 30 public meetings across all states and territories of Australia, engaging more than 600 people personally and by way of submissions. The 2009 white paper has had the shortest shelf life in Australia's history. The 2013 white paper, as brought forward by this minister, is simply window-dressing to show the government is interested when in fact the only real interest in defence and the Defence portfolio this government has is to treat it like an ATM to extract money to appease its financial woes.

Senator LUDLAM (Western Australia) (15:59): I seek leave to make a short statement.

The ACTING DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LUDLAM: I thank the chamber for leave to make a few brief comments, as this was my motion. I invite Senator Johnston to come back if there are some elements of this motion that he could have agreed to. What motion 904 sought to do was reintroduce some context of public consultation to the white paper process. The 2009 white paper was flawed, and it is not only the Australian Greens but also people right through the defence community who are saying that. They believe that the 2009 white paper was unfocused, overly ambitious and focused on exotic hardware at the expense of sustainment and the troops that we put into the field. But, at least, for all its failings it attempted to get a view of the Australian people on defence spending, on strategy and on what we think the security challenges of this century are.

The coalition has just voted against a motion—as has the government—which was asking how the Australian public can get involved. I think we are going to need to revisit this issue and make sure the views of the Australian people are heard.

Great Barrier Reef

Senator WATERS (Queensland) (16:00): I move:

That the Senate—
(a) notes:
(i) the intention of the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to transfer responsibility for protecting our nationally threatened species and wilderness places to state governments by March 2013, and
(ii) that the Queensland Premier (Mr Newman) is ready to sacrifice the Great Barrier Reef for mining and development; and
(b) calls on the Government to retain responsibility for all major decisions on environmentally damaging projects that affect our nationally threatened species and wilderness places.

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

The Senate divided. [16:02]

(The Acting Deputy President—Senator Marshall)

Ayes ..................... 9
Noes ..................... 21
Majority ................ 12

AYES
Hanson-Young, SC
Ludlam, S
Rhiannon, L
Waters, LJ
Wright, PL

NOES
Bernardi, C
Bishop, TM
Brown, CL
Cash, MC
Cameron, DN
Colbeck, R
Cormann, M
Fifield, MP
Gallacher, AM
Kroger, H (teller)
Madigan, JJ
McKenzie, B
Nash, F
Singh, LM
Thistlethwaite, M

Question negatived.

Super Trawlers

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:04): I move:

That the Senate calls on the Government to ban all super trawlers from Australian waters.

The ACTING DEPUTY PRESIDENT (Senator Marshall): The question is that the motion moved by Senator Siewert be agreed to.

The Senate divided. [16:05]

(The Acting Deputy President—Senator Marshall)

Ayes ................. 9
Noes ................. 25
Majority ............. 16

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
Bishop, TM
Brown, CL
Cash, MC
Collins, JMA
Colbeck, R
Fawcett, DJ
Furner, ML
Gallacher, AM
Johnston, D
Kroger, H (teller)
Ludwig, JW
Madigan, JJ
Marshall, GM
McKenzie, B
Moore, CM
Nash, F
Ruston, A
Singh, LM
Smith, D

Question negatived.

Cubbie Station

Senator HANSON-YOUNG (South Australia) (16:07): I seek leave to amend general business notice of motion No. 908 to add the name of Senator Waters to it as a second mover.
Leave granted.

**Senator HANSON-YOUNG:** I, and also on behalf of Senator Waters, move:

That the Senate calls on the Government to:

(a) halt the sale of Cubbie Station;
(b) release the written advice provided by the Foreign Investment Review Board to the Treasurer (Mr Swan) regarding the proposed sale of Cubbie Station announced on Friday, 31 August 2012; and

(c) complete and release a national audit of foreign ownership of water entitlements.

**The ACTING DEPUTY PRESIDENT:**

The question is that the motion moved by Senator Hanson-Young and Senator Waters be agreed to.

The Senate divided. [16:09]

(The Acting Deputy President—Senator Marshall)

Ayes....................10
Noes....................28
Majority..............18

AYES

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

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

NOES

Back, CJ
Bilyk, CL
Brown, CL
Cameron, DN
Colbeck, R
Cormann, M
 Fifield, MP
Gallacher, AM
Kroger, H (teller)
Marshall, GM
Moore, CM
Ruston, A
Smith, D
Thistlethwaite, M

Bernardi, C
Bishop, TM
Bushby, DC
Cash, MC
Collins, JMA
Fawcett, DJ
Furner, ML
Johnston, D
Ludwig, JW
McKenzie, B
Nash, F
Singh, LM
Sterle, G
Urquhart, AE

Question negatived.

**BILLS**

**Migration Amendment (Health Care for Asylum Seekers) Bill 2012**

First Reading

**Senator HANSON-YOUNG** (South Australia) (16:12): I, and on behalf of Senator Di Natale, move:

That the following bill be introduced:

A Bill for an Act to amend the Migration Act 1958, and for related purposes. **Migration Amendment (Health Care for Asylum Seekers) Bill 2012.**

Question agreed to.

Senator HANSON-YOUNG: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

**Senator HANSON-YOUNG** (South Australia) (16:12): I move:

That this bill be now read a second time.

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

Leave granted.

Senator HANSON-YOUNG: I table an explanatory memorandum and seek leave to have the second reading speech incorporated in **Hansard.**

Leave granted.

The speech read as follows—

**MIGRATION AMENDMENT (HEALTH CARE FOR ASYLUM SEEKERS) BILL 2012**

This bill establishes an independent panel of health and mental health experts, an Expert Health Care Panel (the Panel) to monitor and evaluate the wellbeing of asylum seekers who are sent offshore by Australia for processing of their protection claim.
The Panel proposed by this bill is a harm-minimisation measure in response to the changes to the Migration Act 1958 passed by federal Parliament on 16 August 2012, which removed the human rights and welfare protections from the Act in order to facilitate offshore processing on Manus Island (Papua New Guinea) and Nauru.

The Australian Greens oppose punitive offshore processing because it is harmful to people and does not work as a deterrent to asylum seekers who are desperate to find a durable solution. Like many in the health, refugee, human rights, legal and social justice sectors we are deeply concerned about the health and well-being of people in the offshore detention given the lack of time limits on detention and the inadequacy of local facilities.

Even a cursory look at the known outcomes of the Howard government’s ‘Pacific Solution’ earlier this century demonstrates why there is cause for alarm as Australia enters another regrettable era of offshore processing. Experts in the health and mental health fields have repeatedly said over the years that the uncertainty, aimlessness and alienation of indefinite detention have an extremely detrimental effect on men, women and children’s health and mental health. This bill seeks to provide a safety net by establishing expert oversight and high quality protection for the health and wellbeing of asylum seekers.

Outline of the Expert Health Care Panel

The chief change made by the Government and supported by the Opposition after the Houston Panel recommendations was the insertion of s198AB to the Migration Act, which allows the Minister for Immigration to, by legislative instrument, designate that a country as a ‘regional processing country’ and under s198AD permit the removal of asylum seekers to one of those designated countries.

This bill inserts a new section that requires the Minister to establish a Panel either at the same time as making the designation of an offshore processing country or within 30 days of making a country designation. The Panel will operate independently of the Minister, Government and Department of Immigration. Its primary role will be to monitor, evaluate and make recommendations on the health and mental health of asylum seekers.

The Minister for Immigration will nominate the membership of the Panel from a field of nominations provided by peak medical, mental health, nursing, dental and child health organisations such as: Australian Medical Association (AMA), Royal Australian College of General Practitioners (RACGP), Royal Australian and New Zealand College of Psychiatrists (RANZCP), Royal Australian College of Physicians (RACP) and Australian Psychological Society (APS).

Under this bill the Panel is mandated to make ad hoc recommendations directly to the Minister on individual cases, and to report directly to Parliament on a six-monthly basis by tabling a report in both Houses on the health and welfare of detainees. This feature is similar to the powers and reporting functions of the Commonwealth Ombudsman.

The Panel will have powers to subpoena and inspect medical records held by the Department of Immigration and Citizenship or private companies running the detention sites including in the area of health services. The Panel will largely set its own Terms of Reference, as advised by the expert physicians’ organisations, and will be independent of the Minister for Immigration. The Panel will set its own terms and operational guidelines to how to best undertake its monitoring and reporting functions including through visits to offshore sites and monitoring of local health services in offshore sites of detention.

The mandate of the Panel has been left very wide on purpose, because the Greens believe it should be the expert physicians who set the parameters, the priorities and the processes for the Panel. However it is anticipated that the Panel will assess the access to specialist health and medical care being provided to asylum seekers considering the logistical and geographic hurdles facing detention operators, the adequacy of responses to health and mental health emergencies, the capacities of local health services in offshore places of detention and the stress and trauma impact that indefinite detention is causing children.
Health of detainees under the Howard government’s Pacific ‘Solution’

The woeful outcomes of the last era of punitive offshore processing make it very evident that a truly independent body of experts must be established to oversee the health and mental health of detainees.

Around 1,500 asylum seekers were processed on Nauru under the previous government’s Pacific Solution. Many of those suffered serious mental health issues as a result of detention. A number were assessed as ‘at grave risk’ and were taken to Australia because of their deteriorating mental health.

In 2002 Oxfam released a report Adrift in the Pacific—the implications of Australia’s Pacific refugee solution which stated:

One independent visitor to the Nauru camps has noted that the trauma and conditions facing the asylum seekers has many serious and adverse effects: The asylum seekers are traumatised by the events and many show clear signs of vulnerability. It is often difficult to interview them. It could be discussed whether it is appropriate to perform refugee screening determination in such situations, when the symptoms of Post Traumatic Stress Disorder are evident and seriously affect the eligibility process…

‘I am reliably informed that in the interviews, the following symptoms for PTSD were observed: nervousness, anxiety, aggressive attitude, muteness, distrust, withdrawal, lack of focus and concentration, often shivering of hands during interviews, outburst of crying.

In 2007, a report published by A Just Australia and Oxfam Australia entitled A price too high: the cost of Australia’s approach to asylum seekers’ outlined numerous concerns relating to the ‘Pacific Solution’, including the mental health impacts on asylum seekers leading to serious psychological damage and instances of people engaging in hunger strikes and self-harm.

We know that long term detention has a particularly damaging effect on children. The Australian Human Rights Commission, along with many other organisations and peak bodies, advises that significant numbers of children in long term immigration detention experience psychiatric illnesses such as depression and Post Traumatic Stress Disorder, developmental delay and in some cases, self-harming.

Concerns about health and mental health under the new Pacific ‘Solution’

Since the passing of the new laws last month to facilitate the current Government’s new Pacific Solution, peak medical experts have expressed concerns that asylum seekers accommodated in the proposed offshore processing centres may again experience serious mental health issues and will not be given adequate quality of care in the less resourced places to which they will be sent.

It is evident that facilities in Nauru and Manus Island may not be adequate to cope with the health and mental health needs of the thousands of asylum seekers who will be detained there. The report of the inquiry into A Certain Maritime Incident examined offshore detention during the Howard era Pacific ‘Solution’. It noted that the Nauru site initially lacked water, sanitation and electricity with asylum seekers housed under harsh conditions. Evidence to the Select Committee suggested that the facilities on Manus were a slight improvement on those in Nauru; however, several asylum seekers contracted malaria.

Australian Medical Association President, Dr Steve Hambleton, has called for ‘urgent establishment of a truly independent expert medical panel to oversee the quality of health services available to all immigration detainees in all locations’:

Detainees have a lack of access to health facilities. Indeterminate detention has a serious mental health impact. There are currently no specific guidelines for dealing with the health needs of children in detention. But there is plenty of research evidence of the harm that detention causes to a child’s development. We must do the right thing. We want this Panel to report directly to the Parliament, the Prime Minister, and Ministers. Part of its brief would be to monitor the health services available to the local communities outside the detention facilities on Nauru and Manus Island. It has to be above the bureaucracy. The current advisory group – Immigration Health Advisory Group or IHAG –

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CHAMBER
reports to the Immigration Department. It is limited. Its members are constrained.

Shortly after the Government rushed through its changes to the Migration Act through Parliament to facilitate offshore processing, the spokesperson for the UNHCR, Adrian Edwards, noted the organisation’s significant concerns about the wellbeing of those facing indefinite detention:

We do not want to see a return to lengthy delays in remote island centres for asylum seekers and refugees before durable solutions are found. We are also concerned about the psychological impact for those individuals who would be affected.

The Australian Greens agree with these experts that, along with time limits on detention, the health and mental health of men, women and children are some of the most critical issues that must be urgently addressed.

It is not good enough to leave a critical role like the oversight of health and mental health a private company contracted to provide health services. We must establish an oversight body that is independent, expert in the field, empowered to inform itself, mandated set its own terms of reference drawing on the knowledge of Australia’s top specialists and, critically, able to report transparently to the Parliament and public, rather than the Department.

In the past offshore detention has operated under a veil of secrecy with very little scrutiny or accountability. The repercussions of that dreadful era have not passed away, especially for those refugees who were detained for far too long offshore. Yet Australia is embarking on a new offshore detention regime that is arguably even worse due to the prevailing mantra of indefinite duration and non-advantage. There could not be a more important time to take action to ensure independent, transparent and rigorous oversight by high quality experts in the medical and health fields.

We commend this bill to the Senate.

Senator HANSON-YOUNG: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES
Education, Employment and Workplace Relations References Committee Reference

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (16:13): At the request of Senators Back and McKenzie, I move:

That the following matter be referred to the Education, Employment and Workplace Relations References Committee for enquiry and report by 21 March 2013:

Teaching and learning – maximising our investment in Australian schools, with particular reference to:
(a) the effectiveness of current classroom practices in assisting children to realise their potential in Australian schools;
(b) the structure and governance of school administration – local and central – and its impact on teaching and learning;
(c) the influence of family members in supporting the rights of children to receive a quality education;
(d) the adequacy of tools available for teachers to create and maintain an optimal learning environment;
(e) factors influencing the selection, training, professional development, career progression and retention of teachers in the Australian education system; and
(f) other related matters.

Senator WRIGHT (South Australia) (16:13): I seek leave to move an amendment to business of the Senate notice of motion No. 6.

Leave granted.

Senator WRIGHT: I move the amendment in the terms circulated in the chamber:

Omit all words after “with particular reference to”, substitute:
(a) the adequacy of funding for schools educating a high proportion of children from disadvantaged backgrounds and with high needs;
(b) the structure and governance of school administration – local and central – and its impact on teaching and learning;
(c) the adequacy of tools available for teachers to create and maintain an optimal learning environment;
(d) the capacity of schools to respond to family, social and community factors to create an optimal learning environment;
(e) factors influencing the selection, training, professional development, career progression and retention of teachers in the Australian education system; and
(f) other related matters.

I seek leave to make a short statement.

**The ACTING DEPUTY PRESIDENT** (Senator Marshall): Leave is granted for one minute.

**Senator WRIGHT:** The Australian Greens are seeking to amend the reference because it is imperative that we consider the issues to be explored in the inquiry in the overall context of what the investment in Australian schools is, and its adequacy. We know that the Gonski review of schools funding has made significant findings and recommendations in relation to the funding of Australian schools, and in particular that Australia has been underinvesting in its schools in comparison with other OECD nations and, particularly, underinvesting in public education, which educates two in three Australian children and the majority of children from disadvantaged and high-needs backgrounds. Gonski has found it is clearly because of this underinvestment that there is a deep inequity, with a significant gap in achievement, between children on the basis of their backgrounds. In the absence of this term of reference it would be a distraction from the serious business of the Gonski review of school funding. It is important that we consider the backgrounds of children and the social and community factors that affect a child's ability to learn, and that is another term of reference that we would be seeking to insert.

**The ACTING DEPUTY PRESIDENT** (Senator Marshall): The question is that the amendment to business of the Senate notice of motion No. 6 moved by Senator Wright be agreed to.

The Senate divided. [16:16]

(The Acting Deputy President—Senator Marshall)

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<th>Majority</th>
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Question negatived.

**The ACTING DEPUTY PRESIDENT** (Senator Marshall): The question now is that business of the Senate notice of motion No. 6, referring a matter to the Education,
Employment and Workplace Relations References Committee, be agreed to.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Carbon Pricing

The ACTING DEPUTY PRESIDENT (Senator Marshall) (16:19): A letter has been received from Senator Fifield:

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

The unravelling of the Gillard Government's carbon tax.

Is the proposal supported?

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

Senator CORMANN (Western Australia) (16:19): Yes, Labor's carbon tax is unravelling—and it is unravelling fast, at a rate of knots. Labor is in a complete mess over the carbon tax; the government is in complete chaos over the carbon tax. Why is that so? Because fundamentally, at least privately, Labor members and senators understand that Labor's carbon tax, the Gillard government's carbon tax, is taking Australia in the wrong direction.

There is never a good time to introduce a bad tax. There is never a good time to introduce a job-destroying tax. There is never a good time to introduce a tax which will push up the cost of electricity, which will push up the cost of living, which will push up the cost of doing business in Australia, which will make us less competitive internationally and which will just shift jobs and emissions overseas instead of reducing emissions. There is never a good time for such a tax, but this would have to be just about the worst time for any government to introduce a tax like this.

Do not take my word for it when I talk about the impact of the carbon tax on our economy and on jobs. Look no further than the government's own Treasury modelling. This government knows what the impact of the carbon tax is going to be on the economy, on the cost of living, on the cost of doing business and on jobs because their Treasury modelling pointed it out. And because their Treasury modelling pointed it out there is only one possible conclusion, and that is that the Gillard Labor government is wilfully and recklessly taking Australia in the wrong direction with its carbon tax. By pushing up the cost of electricity, by pushing up the cost of doing business in Australia, this government is making it harder for Australian businesses to compete with businesses in other parts of the world—with businesses in Asia, in the US, in South America, across Africa and even in the European Union. Yes, the cost of doing business in Australia as a result of Labor's carbon tax is going up by even more than it would in the European Union under their particular scheme.

How did the government go about all of this? As they put together their carbon tax package, their first political strategy was to suck in everybody across Australia with the proposition that the success or failure of the carbon tax had to be judged on day one: if the sky did not fall in on 1 July 2012, it would mean that the carbon tax was a success. What a minimalistic benchmark for success by this Gillard Labor government: if the sky did not fall in on 1 July 2012, it would mean that the carbon tax was a success. What a minimalistic benchmark for success by this Gillard Labor government: if the sky does not fall in, this must be a great new tax! Well, the sky was never going to fall in on day one; the implications of a tax like this on our economy, on the cost of living, on the cost of doing business, on jobs and on our international competitiveness has got to be judged over time—and no amount of hoping that the frog-in-boiling-water syndrome is going to somehow come in as
the political saviour for this government is going to do away with that fact.

When it comes to the carbon tax, this government has put all its hopes in the frog-in-boiling-water syndrome. I can see you smiling, Mr Acting Deputy President, but, just to remind the chamber, this is the frog-in-boiling-water syndrome: if you put a frog in a pot of boiling water, he will jump out; but if you put a drop in a pot of cold water and just gradually increase the heat, he will stay there as he is slowly brought to the boil. That is exactly how the Gillard Labor government hoped that the carbon tax would play out—that people across Australia, businesses across Australia, would not realise that the carbon tax was slowly and gradually having its effect and would think that things other than the carbon tax were to blame. That is why they put all of the additional cash handouts on the table up-front; that is like putting additional cold water into the pot of boiling water. That is why they wanted to provide all that additional transitional assistance up-front—so that people would not quite realise what the impact of the carbon tax was going to be on the cost of electricity, the cost of living and the cost of doing business.

But people are starting to realise, and that is because Labor's carbon tax is the biggest such tax anywhere in the world. The government often likes to point to the European Union and say: 'They've got an emissions trading scheme. They've got a price on carbon. If they can do it, why can't we?' Well, you have got to look at the detail. When we started asking questions of this government, they could not provide any answers. Here is one question: why is it fair to Australian businesses and Australian workers that 23 million Australians are being asked to pay over the next three years five times the carbon tax of 500 million Europeans across 30 countries? We have 23 million Australians in one country who are being expected by this government to pay five times as much carbon tax as more than 500 million Europeans across 30 countries. How can that not have an impact on our international competitiveness? How can that not have an impact on the capacity of our businesses to compete with businesses, even in Europe? And our carbon tax is also bigger than the regional greenhouse initiative in the northern part of the US that the government often points to. In fact, we are expected to pay 20 times the carbon tax that is paid by a part of the US that has twice our population.

Over the past few weeks I have asked questions of the government—through Senator Wong, who was then representing the Minister for Climate Change and Energy Efficiency as well as the Treasurer. I asked: how do you think it is fair to impose that cost on businesses here in Australia who are not fazed by our competitors in other parts of the world? How is it fair to impose that cost on businesses in Australia, putting jobs at risk, when all we are doing is shifting emissions to other parts of the world, not reducing them? How is it fair to ask people here in Australia to make a sacrifice when other countries are not being asked to make the same sacrifice and there is not going to be a beneficial outcome in terms of reduced global greenhouse gas emissions as a result? Senator Wong's answer to some of my questions was that we have got to remember the free carbon permits. She said the free carbon permits will reduce the impact of the carbon tax on the most emissions intensive trade exposed industries down to about $1.30 a tonne, so those businesses will only have to pay about $1.30 a tonne for their emissions. So I asked the minister the obvious question: how many of Australia's 42,500-plus export businesses will actually get the benefit of free carbon permits? The minister threw her
hands up in the air and effectively said, 'I don't know.'

But last night in this chamber the government finally came clean and released the information. What we found out last night is that not a single business in Australia so far has received a free carbon permit and, even when all of the free carbon permits have been delivered, the government does not expect to hand out more than 170 of them. So up to 170 businesses across Australia will get free carbon permits. What about the other 42,500 export businesses? What about the hundreds of thousands of import competing businesses? And then they go off and drop the floor price. They say to us that they still believe the price will be $29 a tonne. Well, if that is the case, why do you think you have got to drop the floor price of $15 a tonne? It does not make sense. If it is going to be the same, people will still face the same impact on their cost of living. If it is going to be less, the government will face a multi-billion-dollar budget black hole—part of their $120 billion budget black hole. If it is going to be as high as the Greens say, $50 a tonne, what a massive new additional hit that will be on household budgets—and, of course, a significant revenue windfall for the government.

There are problems wherever you look. They link it to the EU scheme now, which means that Australian coal producers will eventually have to use the European coal price when European coal producers do not—because in Europe fugitive emissions are excluded from the scheme but in Australia they are included in the scheme. Wherever you look there is problem after problem. That is why the government is chopping and changing this bad tax. That is why the government is in complete chaos over this tax. The only way to fix this bad tax is to scrap it.

Senator FAULKNER (New South Wales) (16:29): Well: another day, another matter of public importance debate and even more incomprehensible ravings from Senator Cormann. I challenge anyone to make any sense of what he has said, even people on his own side of politics. But it does provide the government with the opportunity to clear up some of the negative misconceptions that Senator Cormann is trying to spread, and which certainly are being spread about by the opposition. It certainly does give me an opportunity to inform the Senate of some of the positive things that are going on in the Australian economy as a direct result of the critically important reform of putting a price on carbon.

We have heard from the opposition—and it is very predictable, I suppose—their suggestion that the removal of the carbon floor price from 2015 and the merger of the Australian domestic carbon-pricing scheme and the European's scheme signal what they described today as an unravelling of the government's Clean Energy Future package. That is absolutely wrong. But I will attempt in my contribution this afternoon to clear the matter up, if I can, for the opposition.

Last month the government secured an agreement to link Australia's carbon price with the European Union's emissions-trading scheme. From 1 July 2015 Australia's carbon price will reflect the price paid by at least 30 other countries—30 other countries that form our second-largest trading bloc, covering 530 million people in total and including countries such as the United Kingdom, France and Germany. This is a transition to an internationally linked ETS, where the global market sets the price, meaning that we can reduce carbon pollution at the lowest cost. And with emissions-trading schemes being developed in China, in Korea, in the state of California in the US, in Canada and in South America, this linkage with the
European Union is likely to be the first of many international links that will form a truly global carbon market. In fact, by next year Treasury suggests that more than 850 million people will be living in a jurisdiction with a carbon price.

Who can forget those comments from the Leader of the Opposition, Mr Abbott, who said, 'There is no sign, no sign whatsoever, that the rest of the world is going to do things like introduce carbon taxes or emissions-trading schemes'. They were Mr Abbott's words. Oh dear, Mr Abbott said that. But I would have to say that I think that if anything is unravelling it would have to be this claim from the federal opposition that Australia is going it alone. What? Going it alone with 850 million other people? Going it alone with the European Union? Going it alone with 17 other countries currently developing emissions-trading policies? But I have to say that it gets even more embarrassing. Last month the Leader of the Opposition, Mr Abbott, said:

There are no developing carbon markets in the Asia-Pacific.

—Mr Tony Abbott, Leader of the Opposition.

Well, wrong again: wrong, wrong, wrong! Korea, China, Japan, New Zealand, Thailand, Indonesia and Vietnam all have schemes or are developing emissions-trading schemes right now. I would say that it appears that the only thing we have unravelling here is the opposition's outlandish, embarrassing and negative agenda. But, of course, it does not stop there: it goes on and on. The Leader of the Opposition also claimed that carbon pricing 'means economic death for the Latrobe Valley', and he suggested that contracts for closure of coal-powered stations have been a failure. Wrong again! It is true, of course, that the government set out to negotiate for the closure of up to 2,000 megawatts of high-polluting electricity-generating capacity providing it was value for taxpayers' money. In the end the government could not agree with their owners on the value of these electricity generators. The government did not accept that their valuations would have given taxpayers value for money for the emissions reductions that would have been achieved. So the market will now decide the economic life of these generators. Already market forces have led to the mothballing, closure or curtailment of hundreds of megawatts of high-polluting electricity generation capacity at the Playford B and Northern power stations in South Australia and at Energy Brix in Victoria.

I would say that there are some real and positive changes going on out there in the Australian economy as a direct result of the government's Clean Energy Future package. Since the introduction of the carbon price, many Australian businesses have started taking practical steps to improve energy efficiency, reduce their power bills and reduce the level of their greenhouse gas emissions. Those actions are producing win-win outcomes for many Australian businesses, improving bottom lines and tackling climate change. Let us not forget that—tackling climate change—because that is what this is all about.

From the opposition we have misrepresentation after misrepresentation. From the opposition we have false claim after false claim. Of course, all we have had in today's debate is a convoluted explanation from Senator Cormann about what the 'frog in boiling water' syndrome means. The truth is that the science here is beyond dispute, the facts are clear and the government has the answers in its Clean Energy Future package.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (16:40): It is
quite clear what is happening here. What is happening is that the Labor Party are clearing the decks for an election. It is the most bumbling process that one would ever see. It is an approach that General Braxton Bragg would be very proud of. The only man who could turn a tactical victory into a strategic defeat was Braxton Bragg, and now there is also the Australian Labor Party. We have seen them fumble along and tumble along. They started with an ETS; then they decided not to have an ETS. They started with Prime Minister Rudd, and they decided not to have Prime Minister Rudd. Then they stated there would not be a carbon tax, and then there was a carbon tax. Then they said the carbon tax would never change, and now it is going to change. Then they said they would never have a Pacific solution for immigration, and now there is a Pacific solution for immigration. We know what they are doing, but it is just such a rolling fiasco. They said they were going to have a surplus, yet we currently have about $244 billion in gross debt and we have borrowed in excess of $10 billion since the start of the financial year on top of that. It is just absurd. Everything they do has become a total absurdity.

Now they have a price on carbon because they believe that Prime Minister Gillard and Treasurer Swan can change the climate. I will believe it when I see it. Their price on carbon will have as much chance of changing the climate as a price on sadness would have of changing tears or a price on sickness would have of making the world healthy. It does nothing. The ingenuity of man is the process that is going to take things ahead, and it is not done by tax. The only thing a tax inspires is tax evasion. The only thing this tax inspires is the absolute resentment of the Australian people. They have picked up on that, but why do we have to wait till 1 July 2015? If we are going to have to buy this dud product, why wait till then? If you are forcing us to buy this dud product, why not just drop the price now? What is this interim period all about? What is the purpose of an artificially high price right now? I do not like the price at all and I want to get rid of the whole lot, but what is the point? If you are going to afflict us with this insanity, can't you just afflict us with a cheaper priced insanity sooner? Why do we have to wait till 2015? You have already acknowledged by your own actions that it is absurd, so why not just go to the lesser absurdity now rather than leave us with the greater absurdity for that period of time?

It is interesting. Remember, once upon a time brown coal was an evil rock. There was a naughty rock called brown coal. This naughty rock must be put outside and spanked. Naughty, bad rock! Of course, it was always peculiar, because if the rock passed across water and went to another country it became a righteous rock. Then it was righteous brown coal. It was naughty in Australia but righteous once it passed over water and went overseas. But now it has become righteous back in Australia again. Now it is righteous coal again and it can continue to be used in the Hazelwood Power Station. The correct decision in the first instance was to keep the power station running and provide cheap power to the people—one of the fundamental things to provide the basics of life. That is what a government is supposed to do. But it is just another one of these absurd backflips. There is no meaning to what they do.

So how do they try to cover it up? Obviously now we have all this conjecture within the Labor Party, because with the Labor Left it is like The Silence of the Lambs. It is the silence of the Labor Left. They are so torn apart by their position. Now they do not believe in refugees; they believe in banging them up wherever—Nauru. They
are trying to make themselves philosophically pure again, so today we had this absurdity: all of a sudden a fishing boat has become the mechanism of assuaging their guilt. They have now manifestly encompassed a fishing boat the path to left righteousness. Correct me if I am wrong, but it was only days ago that the same crowd was absolutely pillorying me because of sovereign risk and populism. I was accused of inciting the demons of sovereign risk and populism. I heard Dr Craig Emerson in op-ed in the *Australian* saying what a terrible person I was. I was beginning to agree with him; maybe I am.

But today out of nowhere comes a statement that is an absolute affront to sovereign risk. This time they have actually bought the boat. It is sitting up at Brisbane, I think. No, it is not; it is sitting at Whyalla in South Australia.

**Senator Farrell:** It's in Port Lincoln.

**Senator JOYCE:** Port Lincoln. That is where it is; thank you very much. And why did they change it? Because it was popular. All I am waiting for is the apology, because otherwise you are total and utter hypocrites.

It is all part of this chaos. There is not a tenet of consistency. Nobody can believe a thing you say anymore. Everything you say is absurdity backed up to absurdity—absurdity but with an austere, sincere face at the press conference. If you want real sincerity, go out in duplicate so we can have Minister Burke and Minister Ludwig standing side by side, looking doubly ridiculous as they try to convince us that everything they espoused not a year ago, not a month ago but a week ago about me is apparently now virtuous. Okay—stick to your guns!

So what are they doing? They are clearing the decks for an election. They are clearing the decks and doing it in the most bumbling, stumbling, hopeless, ridiculous way.

**Senator Bushby:** Is that a surprise?

**Senator JOYCE:** No, it is not a surprise. And of course there is always a report card coming out, and it is called the debt. Every time you want to know where this circus is off to, you just go to the Australian Office of Financial Management—AOFM for all the good people listening; google it—and look at our debt. And you can track your debt. You can watch it grow. It is like one of those magic monkeys you used to buy from the cartoon characters: just add water and watch the debt grow! This is the crowd that is apparently at the tiller of our nation. This is the crowd that, if you believe them—if you look up at the vault of heaven—are the ones who can cool the planet. They are going to be part of it.

Even Senator Faulkner, who I believe is consistent but has just been a bit cowardly lately because he has not stood up for what he believed in, talks about: 'Other countries are going down this thing or they are "developing" a program. They are thinking about it.' That is what you have to worry about. They are thinking about doing something and, because someone is thinking about it, we must do it. He compared us to China. Well and good, and very clever they are. I have no problems with them being clever; I have a big problem with us being stupid. They are going to get carbon credits. They are going to get a whole heap of dirty little coal-fired power stations, turn them into a big new coal-fired power station and collect the carbon credits, and who will send the carbon credits? We will; we will send them the carbon credits. But we do not have any money, so where are we going to get the money from? We will borrow it. And who will we borrow the money off? We will borrow the money off them. Economics like
that could only ever make sense in the Australian Labor Party, and it is probably because none of them have ever really run anything, or had a job. I take that back: they have all had a job, but they have never run a business.

This is part of where we are off to in this insane world. What will this world look like if they stay there? What on earth will Australia look like if this crowd stays there? Their own people cannot believe them. They have walked all over the left; to the right they look absolutely absurd. The NBN is another complete absurdity. The only thing we can do to fix it is get rid of them.

Senator URQUHART (Tasmania) (16:50): Another day, another fear campaign, another bungled, distorted rant by Senator Joyce. Fear, spin and distortion of the facts. This Labor government have continued on with our agenda to move Australia to a clean energy future. We have pushed on with this vital reform because we know it is the right thing to do for our community and we definitely are not going to let the almighty of fear campaigns bring us down.

Today we are debating a matter of public importance that shows how lost and confused the conservatives are on this issue. The unravelling of the Gillard government's carbon tax is what those opposite would like us to debate this afternoon. Interesting, isn't it, because the Clean Energy Future package and the carbon price are moving along well. In fact, since the carbon price came into effect on 1 July we have improved our emissions reduction scheme by linking it with the EU and removing the floor price. Last month the government secured an agreement to link Australia's carbon price with the European Union Emissions Trading System. From 1 July 2015, Australia's carbon price will reflect the carbon price paid by at least 30 other countries including the UK, France and Germany. From 2015 we will transition into an internationally linked ETS where the global market sets the price on pollution.

This is an important agreement because linking means we can reduce carbon pollution at the lowest cost. It is also a significant step forward in countries joining together to tackle climate change. With emissions trading schemes being developed in China, Korea, the US state of California, Canada and South America, it is likely to be the first of many international links that will form a global carbon market. But the Leader of the Opposition likes to misrepresent the facts when it comes to international action on climate change. Last year he said:

… there is no sign, no sign whatsoever, that the rest of the world is going to do things like introduce carbon taxes or emissions trading schemes.

This is just plain wrong. The world is introducing carbon prices and emissions trading schemes. And this number is set to grow as another 17 countries, across all continents, are currently developing emissions trading policies. By next year, more than 850 million people will be living in a jurisdiction with a carbon price.

Last month the opposition leader said:

There are no developing carbon markets in the Asia Pacific.

The fact is, as Senator Faulkner outlined, that Korea, China, Japan, New Zealand, Thailand, Indonesia and Vietnam either have or are developing emissions trading schemes right now. It was just the latest misleading claim by the opposition leader. These countries know they have to reduce emissions, and they know the cheapest way to do this is to put a price on carbon. This is a significant step forward for global action to tackle climate change.
In the next few years, as the planned markets begin operating in countries around the world, the prospect for internationally linked carbon markets will just improve. On this side of the chamber, our desire is to see Australia do its bit to reduce emissions at the lowest cost. We acknowledge that acting on climate change is necessary. We are working with industry, with the community sector and with state and local governments to do just that.

Since the carbon price came in, businesses have started taking practical steps to improve energy efficiency, reduce their power bills and reduce greenhouse gas emissions. These actions are generating win-win outcomes, improving the business bottom line and helping tackle climate change by reducing greenhouse gas emissions. Carbon pollution can often be reduced with relatively simple technology. At a meatworks, for instance, the settlement pond can be covered. This allows the methane that would otherwise be released into the atmosphere to be captured and flared, potentially removing the carbon price liability. And if the methane is used to generate electricity, this can not only help reduce energy costs but also earn the business extra income from selling this clean energy back to the grid.

Extracting methane from landfills is already being done by local councils. The Tweed Shire Council in northern New South Wales has been able to reduce emissions below the 25,000 tonne liability threshold at its Stotts Creek Resource and Recovery Centre. The pollution captured is used to power some 400 homes. At a recent forum for local councils in North West Tasmania, councillors expressed an interest in learning more about reducing emissions from Tasmanian landfills. This is about taking an innovative approach to how we do business in Australia. It is a far cry from Mr Abbott's massive scare campaign about the impact of the carbon price on business.

I would like to highlight a grant to Simplot, a potato processing plant in Ulverstone, Tasmania, that will assist the company upgrade its coalpowered boilers to natural gas. The 2010 election commitment that the Labor government has delivered upon is an example of what is possible under the Clean Energy Technology Food and Foundries Investment Program. The funding from federal and state Labor governments of $3 million and $1 million each, together with investment from the company of $17 million, will reduce carbon dioxide emissions by 39,000 tonnes a year—the equivalent of taking 8,000 cars off the road. It will also support hundreds of permanent and seasonal jobs across the north-west coast of Tasmania through cutting the energy bills of this large employer in my region. Farmers, farm contractors and service providers whose jobs and businesses depend on Simplot's operations will benefit from this upgrade at the plant through greater certainty and lower costs for the factory. Funding that assists Simplot replace its high energy intensive coal boilers and install gasfired cogeneration capacity at the Ulverstone potato processing plant will thereby remove the need to burn coal in the production of potato chips.

While this grant was announced in the 2010 election campaign and is therefore not part of the Clean Energy Technology Food and Foundries Investment Program, it is an example of what is possible through the Clean Energy Future package. It is a clear example of how the Gillard Labor government will work with the high power, intensive businesses in the food, metal forging and foundry industries to assist them to remain competitive through switching to low pollution options by providing grants for energy efficiency improvements. This government is committed to working with...
industry, committed to working with communities and committed to working with other countries to achieve a clean energy future for our world. We are committed to working through the challenges and providing support to Australians.

I had the pleasure of being a member of the Senate Select Committee on Australia's Food Processing Sector. That committee heard evidence from a range of processors from right across the country. There are many examples in the food processing sector that highlight the potential for innovation and opportunities being harnessed through the Clean Energy Technology Food and Foundries Investment Program.

I note that a significant portion of the revenue from carbon pricing is spent on industry assistance. In evidence to the committee, Mrs Mac's, a large-scale bakehouse, expressed appreciation for the range of government grants to assist businesses. Mr Beros said that, through investing with government, Mrs Mac's had a 28 per cent decrease in water heating costs, a 25 per cent increase in one of their line speeds using the same level of energy input, and a 30 per cent efficiency gain in some of their condensers. I also understand that Crafty Chef in Emu Plains, New South Wales, have received nearly $500,000 from carbon pricing revenue to install a new commercial blast freezer. This will reduce the carbon intensity of its operations by over 54 per cent, reduce energy intensity by over 56 per cent and boost turnover by 150 per cent to $50 million per annum.

Treasury modelling of the food manufacturing industry forecasts growth by 108 per cent by 2050. It is government's role to create an enabling environment for strong market participation, and this report highlights some areas of reform that will be critical for the food processing sector. We were provided with inspiring examples of new and emerging products that are capable of transforming parts of the sector. We need to remember, however, that industry is best served by an innovative and adaptive business culture and a trained and supported workforce.

I encourage all Australians to continue to look above the coalition's negative rhetoric and embrace the opportunities available under the clean energy package—to look above the daily fear campaigns and think: 'How can my workplace and my community benefit from this reform?' This Labor government has continued on with its agenda to move Australia to a clean energy future. We have pushed on because it is the right thing to do. Together, we can make a difference to limit Australia's emissions.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:00): I also rise today to speak on the matter of public importance: the unravelling of Labor's world's biggest carbon tax—a tax that on the government's own admission will not reduce Australia's emissions. On the contrary, based on the government's own forecast our emissions will continue to rise over the coming decades such that Labor predict the only way we will meet their emissions reduction targets is by buying permits from other countries—and billions of dollars' worth of them are needed. Again, this is on the government's own numbers. These will be bought from countries that may have far less stringent rules, regulations and oversights to ensure that those permits are truly representative of actual reductions in emissions. So I ask: what gain do we get from the pain that is being inflicted by this carbon tax?

Of course, we should always remember that this is the tax that was brought in on the back of a lie. This is the tax that the Prime
Minister promised, hand on heart, that we would never see under a government she leads. Yet here we are, with a government she is leading and the carbon tax she promised we would never have. And the carbon tax is now unravelling before the government’s eyes.

Senator Faulkner and Senator Urquhart both made the point that Australia is not the only country that is putting a price on carbon. They both talked about how many other countries have put a price on carbon. I recall some time ago, when Senator Wong was quite happy to be the spokesman for carbon tax and climate change matters in this place, that she was talking about a shadow price on carbon. My understanding is that when Senator Faulkner and Senator Urquhart stand up and talk about other countries having a price on carbon on the whole they are actually talking about the shadow price being on carbon. The shadow price is not an explicit carbon tax or an emissions trading scheme; it is things like renewable energy targets, it is things like putting money into specific green energy programs and renewable energy programs. The government look at all of those sorts of things in other places and they say, ‘Look, other places have a price on carbon.’ I say: prior to the introduction of this carbon tax, we also had a price on carbon, we also had a renewable energy target, and we also had large investments in renewable energy schemes. We already had a price on carbon, and so the arguments that both Senator Faulkner and Senator Urquhart made in regard to other countries having a price on carbon, we already qualified. We did not need to impose a carbon tax onto Australian business and Australian consumers because we already had that price there.

As I mentioned before, the carbon tax is unravelling. So even with the carbon tax we did not actually have to have—we have it, it took effect on 1 July this year—it is incredible to see the number of changes the government have made in the short period of time since it was introduced. Only two months into its implementation and already we have seen massive changes marked by chaos right across the board. The changes that have been made to this tax in that short time reflect the gymnastic skills of the Australian Olympic team. Rarely have Australians witnessed so many backflips, backdowns and changes of direction in such a short period. But the great shame is that none of these changes actually improve the toxicity of the tax, or the disastrous impact it will have on the competitiveness of Australian businesses, or the across-the-board increase of cost of living it forces onto Australians right across the country.

What these backflips have done, though, is introduce even more uncertainty, additional costs and more legislative conflict into the quagmire that is compliance with the requirements of this tax. Just today 13 New South Wales councils are finding themselves in legal limbo as they are unable, lawfully, to purchase carbon credits because they are considered a derivative. As this chamber may know, the previous New South Wales Labor government banned councils from investing in derivatives in order to protect their ratepayers from potential financial losses, which many of the New South Wales councils suffered during the period of the financial crisis. Accordingly, councils are finding themselves between a rock and a hard place as they have obligations to meet under this toxic carbon tax regime but are unable to purchase permits to meet those obligations. What a shambles! I commend the New South Wales government for their refusal to overturn a law that is in the common interest of the public in the face of a federal law that is detrimental to the public,
is poorly thought out and which clearly will not achieve its objectives.

The confusion over this tax and its implementation does not stop there. Just last week, we saw the government abandon their own Contract for Closure program. This flip-flop was not surprising, as the Contract for Closure program was doomed from the start. On the one hand the government were providing the Energy Security Fund with $5.5 billion to help keep brown coal power stations in operation so that they could guarantee the continuity of energy and avoid blackouts and brownouts. But at the same time, the government set up the Contract for Closure fund to pay the same regulators to shut them down. Crazy stuff! The power companies then saw fit to accept the government handouts to keep conducting business as usual and pass on price hikes to businesses, pensioners, families and everyday Australians who are already doing it tough. Again, a complete shambles.

These continual changes, this flip-flopping is causing Australian businesses and consumers great uncertainty. It is difficult to budget, to plan ahead and to take steps and measures to ensure compliance with legal obligations when those legal obligations are continually changing. Of course, the flip-flops come with consequences and flow-on impacts. The scrapping of the Contract for Closure program means that the planned reduction in emissions that would otherwise have occurred will not be fully reached. So the government have to find another way of lowering them to meet their fictional targets. How will they do this, you may ask. By increasing the amount contributors will have to pay for the carbon tax. And the Gillard government have shown nothing but contempt for the workers and their families of power entities with whom they have been negotiating. Just yesterday, we found out that the negotiations between these power companies and the federal government had completely collapsed.

All the government has delivered to the people of Australia in the face of this carbon tax is nothing but uncertainty. For example, on more than 11 occasions, this government stated how crucial the floor price was to maintaining stability. I will just have a look at a couple of those quotes. On 13 September 2011, the Prime Minister stated:

The bill also provides for a price cap and a price floor to apply for the first three years of the floating price period. This will limit market volatility and reduce risk for businesses as they gain experience in having the market set the carbon price.

On 9 November 2011, the Prime Minister also said:

We have set a floor and so there can be stability in pricing. But we did think it was appropriate because people are making very long-term investments to have a band in which the price will move.

When the Prime Minister was being interviewed by John Laws, she said:

Well we just thought for stability, particularly when we move to an emissions trading scheme where the market is setting the price that it was wise for a period to have bands, a ceiling and a floor.

The Minister for Climate Change and Energy Efficiency, Greg Combet, on ABC Radio National on 12 July this year, only a couple of months ago, said:

Well we've put in a floor price to provide some confidence over the first few years about the potential variability of the price.

The climate change minister said on 28 September 2011 that the price floor and ceiling would 'avoid sharp price spikes or plunges', and he went on to say:

This will reduce risks for businesses as they gain experience in having a market set the carbon price.
Mark Dreyfus addressed the Carbon Expo in November 2011 and said:

A price floor provides participants with greater certainty upon which abatement decisions to make. For those investing in abatement technologies whose value is sensitive to the level of the carbon price, a price floor helps reduce downside risk.

Mark Dreyfus also said when addressing the Australia-New Zealand Climate Change and Business Conference in Wellington in August 2011:

For the first three years of the flexible price stage, safety valves (price ceilings and price floors) will be built into the system to avoid price spikes or plunges. This will reduce risk for businesses as they gain experience operating in a carbon-constrained environment. This is particularly important in the early years when price uncertainty could be at its highest.

But what have the government done now? Another backflip, another change. Two weeks ago the floor price was scrapped by the Gillard government. Senator Urquhart came in here earlier and was talking about how good the carbon tax is and what a great thing it is going to be for the country, but the very first thing she started talking about was how they have scrapped the floor price and how they are now going to associate the price with the price in the EU scheme.

Senator SINGH (Tasmania) (17:10): It was no surprise to me at all to hear my Tasmanian colleague Liberal Senator Bushby talking down the economy, and in doing so he is talking down the economy not just of this nation but also of his home state of Tasmania. That is something we cannot afford to hear in Tasmania. That kind of glass-half-empty attitude of setting their own political interests by talking down our economy does us absolutely no good in Tasmania, and certainly does Senator Bushby no good in trying to be a champion for the growing economy that we need in Tasmania.

What we do know about the carbon price is that our economy seeks to benefit and grow. We have developed an emissions trading scheme that, by putting a price on carbon, a price on pollution, is providing an opportunity for renewable energy technologies to grow in this country. That is a very good thing. It is a two-edged benefit not only for the business and economic development aspects but also for the environmental aspects of reducing pollution in our nation and, therefore, reducing global warming and the effects that it is having on our planet.

One thing we know about global warming is that it is global. It is not something that is confined just to the borders of any one country. It is something that is affecting our planet, it is something that is affecting our oceans, and it is something that we all need to play a part in, and that means not just Australia but all the countries in the world. Slowly, one by one—and we certainly were not the first—a number of countries are getting on and doing that. In the last week or so, a global emissions trading scheme is exactly what we have been able to share in and be a part of. That scheme, as we know it, will mean that Australia will be able to trade with the EU. When we say the 'EU', we are
talking about some 35 countries that make up the European Union. So already we are getting on and, by 2015-16, which is the compliance year, will provide companies with access to a mature and established carbon market.

Who would have thought that the Liberal Party would come out against one of their own most fundamental philosophical beliefs, that of the market-driven economy? Who would have thought that? That is what we have just heard today from Senator Bushby in talking down the carbon pricing system. I am proud to be part of the Gillard Labor government, which has delivered such a system in line with our longstanding commitment to emissions trading and to dealing with the effects of climate change.

Such effects go well beyond our own generation and ensure that, in reducing pollution in our atmosphere, we are leaving this planet in a much better place and condition for future generations than it has been—for posterity, for my children, for my grandchildren and for Senator Bushby's as well.

The coalition's claim that the carbon price is unravelling comes only two months after a very successful operation of the carbon price. To come here and say that it is unravelling when in fact it is actually operating really well and the sky has not fallen in, business is continuing to invest and Australia is continuing to have one of the best economies in the world just does not make sense. It shows again this kind of meddling with the truth, meddling with the facts, that the Liberal Party continue to espouse in this place. Facts are just a mild inconvenience for the opposition. They prefer, of course, the quick slogans rather than any kind of informed discussion and debate. It is not just scientific papers that the opposition will not read; it is even statements by companies, as we have been able to witness recently in relation to when BHP released their decision not to proceed with Olympic Dam. Mr Abbott did not even read that decision, yet had the audacity to go on the ABC's 7.30 program to comment on it. It did not suit his slogan of the day. There were facts but he didn't even bother to read the statement. Why read the statement to the stock market when you have already got your message sorted. It is all about ignoring the truth. Rather than getting to grips with the things that are genuinely affecting the jobs, lives and livelihoods of Australian families and workers, he would prefer to take the easy and lazy way out. Unfortunately, Liberal senators in this place are doing exactly the same thing and falling in line behind their leader, Mr Abbott, and his poor, pathetic slogans.

What do we know about the carbon price beyond just the environmental and economic benefits that it is going to provide? We also know that this carbon package is going to provide a whole suite of benefits for Australian families, and those benefits are something that will be under threat if, dare I say it, a Liberal government take hold of this country. Things that the opposition would potentially roll back if they were in power would be things like tax cuts. We have tripled the tax-free threshold to $18,000 a year.

Senator Bushby interjecting—

Senator SINGH: That is incredibly important for low-income Australians, of which there are many in our home state of Tasmania, as Senator Bushby would be very, very aware. It would include increases to pensions, benefits and other allowances to help households to offset a very modest increase to the cost of living as a result of the carbon price. We know that that modest increase—in fact, some $9.90 a week for households will be compensated by $10.10 per week. But, no, these facts, the truth of the
matter, are things that the Liberal Party simply do not want to hear. They want to continue to go out there and pretend that every day is doomsday: we must roll back the clock and go back to the 1950s, turn off the fridge and hide in the dark because we certainly do not want to have a progressive economic reform agenda for this country! They do not want to accept the fact that our economy is doing well; they want to say that every day is doomsday. Do they really think the Australian people are that stupid? Do they really think that our economy is doing well; they want to say that every day is doomsday. Do they really think that the Australian people are that stupid? Do they really think that with all these slogans and rhetoric the Australian people are going to say: 'Yeah, the opposition are right. Things are really bad. The tax-free threshold was just increased to $18,000. That is a really bad policy.' We are doing our bit to reduce global warming for our planet and for our children and grandchildren. 'Oh, that's a really bad thing for our economy.' Do they really think that the Australian people are that stupid? The Australian people have been compensated for the mild increase in the cost of living that comes out of carbon pricing. That is something they understand. They know that we need to play our part, just as we are now through the setting up of trading with the EU and all the other countries.

Let us not forget all the other countries that have also got on with ensuring that they are developing an emissions trading scheme—countries like Indonesia, Japan, China, Korea and Vietnam. These are countries that have or are developing right now an emissions trading scheme, countries with whom we will also soon be trading with through our own scheme. Do the opposition just not get it? There are so many countries engaged ensuring that we are doing something on climate change. It is all out there. Australia should play and is playing its part. I am proud to say that the Gillard Labor government took that important step—a step that also comes with economic reform for our nation.

Last month the opposition leader again played with the truth and said that there were no developing carbon markets in the Asia-Pacific. I have just named at least five. It is really not that hard to see through these misleading claims, this stretching of the truth—that thousands of jobs will be lost, that millions of dollars in investment will just go up in smoke, that price increases will be unimaginable. All of this rhetoric is rubbish. The sky certainly has not fallen in.

(Stop)

The ACTING DEPUTY PRESIDENT (Senator McKenzie): Order! The time for discussion has concluded.

COMMITTEES

Treaties Committee

Report

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:20): On behalf of the Chair of the Joint Standing Committee on Treaties, Senator Fawcett, I present the 129th report of treaties tabled on 19 and 26 June 2012, dated September 2012.

Ordered that the report be printed.

Senator BUSHBY: I seek leave to have the tabling speech incorporated in Hansard.

Leave granted.

The speech read as follows—

Mr President, today I present the Joint Standing Committee on Treaties' Report 129, which contains the Committee's views on a series of treaties which were tabled on 19 and 26 June 2012.

Mr President, one of the treaties covered in this report is the Agreement between the Government of Australia and the Government of the Republic of Singapore concerning the Location of a Republic of Singapore Air Force Helicopter Squadron at the Australian Army
Aviation Centre Oakey done at Singapore on 1 June 2012.

The Agreement's purpose is to allow for continued deployment of a Republic of Singapore Air Force (RSAF) helicopter squadron at the Army Aviation Centre, Oakey (AAC), Queensland which has been ongoing since 1997. Given the lack of its own domestic training areas, Singapore greatly values its access to the AAC, and this Agreement is a major element of our contribution to the bilateral defence relationship. Access is vital to the RSAF as it enables them to develop and maintain their military capability.

Australia benefits from this arrangement as strengthening the RSAF's capability makes Singapore a more effective coalition partner and contributor to regional security.

The Australian Department of Defence has described the Singaporeans as 'model tenants' and the Department has stated that the Singaporean deployment has, for the past fifteen years, brought financial benefits to the local community. The Singaporean personnel live with their families as members of the community and contribute positively as they buy things from local businesses as well as use their services.

Apart from the indirect economic benefits, this Agreement also directly benefits Australian enterprises through access to commercial arrangements with the RSAF.

For example, the existing agreement stipulates that a minimum of two-thirds of the workforce that provides maintenance to the Singaporean helicopter fleet are to be Australians. Singapore exceeds that obligation, with approximately 90 per cent of the workforce being Australians. A commercial support estimate is conducted each year on how much maintenance support will be required. For the last two years the estimated obligation for the Singaporeans to include as Australian content has been between $11 million and $15 million and they have more than satisfied that obligation as well.

The Committee supports this Agreement and the continued positive relationship between both defence forces.

The Treaties Committee has also approved another two Tax Information Exchange Agreements — known as TIEAs — with Bahrain and Andorra.

The Committee has now reviewed a number of these TIEAs and experience has found them to be effective. The Australian Taxation Office—the ATO—has provided some tangible examples to the Committee. For example, Australia has TIEAs with the British Virgin Islands, Bermuda, the Isle of Man and Jersey. As of August 2012, fifty-three exchange of information requests were issued, of which thirty-eight have been finalised. As a result, six amended assessments to the value of $52 million were issued. ATO auditors also identified a further $127 million as potential omitted income via requests made under these TIEAs.

Furthermore, the TIEAs act as a deterrent to those individuals who would otherwise seek to minimise their taxation commitments through transfers to low-taxation jurisdictions.

Many individuals who previously used secrecy jurisdictions to avoid their tax obligations are abandoning them. For example, the ATO explained that from 2005 to 2011 there was a decrease in the entities transacting with Vanuatu from around 2,600 to about 300. Furthermore, since 2007–08 there has been a $12 billion reduction in fund flows to thirteen high-risk secrecy jurisdictions and fund flows returning to Australia from the same secrecy jurisdictions have increased by seven per cent, or around $5 billion in the 2010-11 financial year compared to 2007-08.

It is in Australia's interest to develop its network of TIEAs with low-tax jurisdictions as it will make it harder for taxpayers to avoid or evade Australian tax.

Finally Mr President, the Committee supports the Agreement Establishing the International Fund for Agricultural Development. Ratifying this Agreement would see Australia's re-admission to that Fund.

Although most governments and many NGOs attempt to tackle global poverty and hunger, the number of people experiencing hunger seems to rise rather than fall. When the Millennium Development Goals were established around the turn of the century, there was a sense of optimism
that we were going to halve the number of people who experience hunger. However, despite many efforts and all the available technology and expertise, the world appears to be making little progress.

The Fund's objective is to make available resources on concessional terms for agricultural development in developing Member States. The Fund finances projects and programmes specifically designed to introduce, expand or improve food production systems.

Australia was previously a member of the Fund, but withdrew in 2004 due to a number of factors, including questions over the Fund's efficiency and effectiveness. In 2011, AusAID conducted a comprehensive review and found that the Fund is now considered by donors and developing countries to be an increasingly effective, results-focused, value-for-money development partner. Australia will make an initial contribution of up to $120 million over four years upon re-joining the Fund and will seek a position on the Executive Board so as to have some influence in how the Fund allocates its resources.

The Committee concludes that all the treaties covered in Report 129 should be supported with binding action.

Mr President, on behalf of the Committee, I commend the report to the Senate.

By leave—I move:
That the Senate take note of the report.
Question agreed to.

DELEGATION REPORTS

Delegation to the People's Republic of China

BILLS

Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010
Tax Laws Amendment (Cross-Border Transfer Pricing) Bill (No. 1) 2012
Aviation Transport Security Amendment (Screening) Bill 2012
Superannuation Legislation Amendment (Trustee Obligations and Prudential Standards) Bill 2012

Assent

Messages from the Governor-General reported informing the Senate of assent to the bills.

MOTIONS

Instrument of Designation of the Republic of Nauru as a Regional Processing Country

Debate resumed on the motion:

That, for the purposes of section 198AB of the Migration Act 1958, the Senate approves the designation of the Republic of Nauru as a regional processing country, by instrument made on 10 September 2012. [F2012L01851] to which the following amendment was moved:

... and in addition to the opening of offshore processing on Nauru, calls upon the Government to implement the full suite of the Coalition's successful border protection policies and:

(a) restore temporary protection visas as the only visa option available to be granted to offshore entry persons found to be refugees;
(b) issue new instructions to Northern Command to commence to turn back boats seeking to illegally enter Australia where it is safe to do so;
(c) use existing law to remove the benefit of the doubt on a person's identity where there is a reasonable belief that a person has deliberately discarded their documentation; and
(d) restore the Bali Process to once again focus on deterrence and border security.

Senator MILNE (Tasmania—Leader of the Australian Greens) (17:24): This is a continuation of my speech from just before question time. I rise to remind the Senate that the government and the coalition argued that we had to change the law in Australia to abandon our commitment to legally binding protections for refugees in order to save people from getting on leaky boats and to save them from risking their lives at sea. Well, there has been a spectacular failure of that compromise. What the government and the coalition have done is abandon the rule of law when it comes to protection for refugees. They have abandoned the principle that the minister is the guardian of unaccompanied children. They have abandoned the idea that he has to act in the best interests of those children. They have legislated to say that refugees will not have the legal right to natural justice and legislated to say that none of the protections needs to be legally binding. Yet it is such a spectacular failure that the refugees continue to come and continue to risk their lives on boats. As Michael Bachelard's piece in the Age today, 'PM asylum-seeker policy fails to deter boats' says, the asylum seekers have said themselves:

"They know [about the new policy], but they don't stop. They say it's too dangerous to stay in Pakistan."

In fact:

The recent drowning of more than 100 Hazara asylum seekers had also not deterred them. "Everyone knows [about the drowning], but . . . they say 'When I go back to my country, I am sure that Taliban or al-Qaeda or the other agents of the Taliban will detain me, kill me'," he said.

"I'm sure, 100 per cent sure, that the Taliban will kill me. But if I go, maybe I wait to get to Australia, maybe one year, two years, to Nauru island. The Australian government does not kill you."
So you have got an issue here where the refugees are not going to be deterred. All that has happened is that this parliament has abandoned its commitment to the refugee convention, to the rule of law, to natural justice and to the protection of children for no other reason than to punish people and send them away for no outcome when it comes to deterring them from taking this risk. I want to go to this issue because I do not think most Australians realise that what the parliament did, at the request of the government, was to exempt the minister from being the guardian of unaccompanied children. Until the legislation went through this parliament, the minister had to act in the best interests of the child. He was legally bound to do that and the High Court had made it clear that sending children into offshore detention was not in their best interests. The minister could not send the children away, so he came to the parliament to say he wanted to be exempted from that and the coalition voted with the Labor Party to do exactly that, to allow the minister to send unaccompanied children to Nauru with no guardian. That is exactly what has been voted for.

I put it to the Senate that when people said, 'Oh, the Greens won't compromise on this legislation; they are not going to be part of this so-called solution,' they were right. And what did compromise achieve for the coalition and the government? Firstly, a record number of people risking their lives at sea for a start. Secondly, what they compromised on were basic tenets of our democracy: a legally binding protection for refugees, a protection of the child so an unaccompanied child has a right to be represented by the minister and the minister has to actually act in the child's best interests, and the right to natural justice as a refugee. I find it extraordinary that the way this issue was presented out there in the community was that everyone in this parliament was trying to do so much to save people from getting on boats and the Greens would not compromise. Well, now this has happened what has been shown is that the Greens stood up for the rule of law, for natural justice, for the refugee convention and for the rights of the child.

This parliament sold all that out and now it is faced with the humiliation that what has been said by all refugee advocates and the Greens was true: deterrence does not work; it does not stop people trying to get to Australia. In fact, what has been shown to help people is an increase in the humanitarian intake, investment in regional assessment in Indonesia and elsewhere in the region and codifying our safety of lives at sea legislation. All of those things that the Greens proposed that actually address the situation are now being done, because we held out. If the government had got its own way and had put through the Malaysia proposal in the first place, none of those things would have happened. We would not have had the intake increased to 20,000, we would not have had the investment going into the UNHCR, and nor would we have had this investment in trying to help people across the region to get to a decent solution. Instead of that, we have humiliated ourselves globally by abandoning our legal obligations under the United Nations human rights convention and we have abrogated our responsibility to innocent children. If one of those children gets sent from Australia to Nauru, let it be on the heads of all the people in this parliament that you voted to abandon them having a guardian.

Senator HUMPHRIES (Australian Capital Territory) (17:30): There are times during major debates of this kind when one would dearly like to see some kind of tear in the space-time continuum to allow the present to hear the future come back to
educate us about what we are debating. I cannot help but wonder about the course of the debates that went on about the Pacific solution between 2001 and 2008, in particular, when it was dismantled by the Rudd government. I would just love for some of the Labor Party critics of the Howard government's solution to somehow have heard the speech that Senator Lundy gave today in the Senate, when she told us, magisterially, about how we need to reopen the Nauru detention centre to deter people smugglers and that we need to deter people-smuggling businesses by not having a system of onshore processing but rather we should process people offshore in a place such as Nauru.

How extraordinary it would be, how embarrassing it would be for those critics who lined up, week after week, to hector the Howard government and its supporters for having the audacity to suggest that we were doing refugees a favour by having offshore processing. These people went on for not months but years. Mr Bowen said, 'We closed Nauru because it was the right thing to do.' Senator Evans said, 'The Pacific solution was cynical, costly and ultimately unsuccessful.' Mr Rudd said, 'The Pacific solution is just wrong. It is a waste of taxpayers' money. It is not the right way to handle asylum seekers or others.' But today, of course, that is exactly the solution which is being re instituted by this government. Tail between its legs, humiliated beyond belief, the government is now telling the Australian people that everything it said between 2001 and 2010 was wrong. Ms Gillard, as the then opposition spokesperson on immigration, said, 'The so-called Pacific solution is nothing more than the world's most expensive detour sign. The so-called Pacific solution is not a long-term solution.' That was in May 2003. Then she said, and this is interesting: 'Can anyone in this place really imagine that Australia will be processing asylum seeker claims on Nauru in 10 or 20 years time?' Yes, we can imagine it, because Ms Gillard's government is actually implementing a return to the processing of asylum seeker claims on Nauru—almost exactly 10 years after that claim was made. So we know that that is the case.

In contrast, we have the words that the Minister for Immigration and Citizenship, Mr Bowen, has uttered to justify the decision to reopen the Nauru detention centre:

I consider designating Nauru to be a regional processing country will discourage irregular and dangerous maritime voyages and thereby reduce the risk of the loss of life at sea;

And further:

I think that the cost of irregular maritime voyages, in terms of the loss of human life and in respect of the substantial financial and resourcing costs to the Commonwealth in dealing with such arrivals … means that it is in the national interest to attempt to reduce the number of such voyages, and to do so urgently.

He is saying those things now without the slightest sense of irony, when he said such different things in the past. The truth is that this government has finally been mugged by reality and it realises, after so much wasted money, after so much patent and obvious failure, after so many deaths at sea, that its policy just was not working and that it had to be reversed. It simply had to be reversed. The government is taking steps now, through gritted teeth, to reinstate the policy which it spent a decade systematically tearing down—from opposition and then from government—and it expects us to somehow believe that it is sincere in its conversion to this new position. The fact is that it is putting on the clothing of the Howard government—and doesn't it hurt!

The question has to be asked by the Senate, in looking at this change of position by the Gillard government: how effective
will a change of policy actually be? And that leads to another question: how much does this government actually believe in what it is doing? Does it have the conviction to carry forward the policy which it reviled and denigrated for so long? The answer to that question has to be no, because this policy is based not on the government's assessment of what it needs to do; rather, it is a reaction to the opinion polls which said that its policy was not trusted by the Australian people to deliver any longer an effective policy on border control.

What is the evidence for that statement, my assertion that this government actually does not believe in what it is doing? Last year when the High Court brought down the decision striking down the Malaysia solution, Senator Lundy said on ABC radio in Canberra that she would never vote for the Nauru solution, the reopening of Nauru. But today in the Senate, Senator Lundy moved a motion for Nauru to be reopened. Only last night on *Q&A*, in the midst of the government implementing a policy of evacuating its opposition to the Pacific solution, Senator Evans defended the policy that had dismantled it in 2008. On ABC Radio National today Senator Cameron made it very clear that he did not support this policy and that he was rolled by the caucus. Again, he was extremely concerned about the treatment of refugees and he had opposed in caucus implementation of this policy but was bound by the caucus decision and will have to vote for it on the floor of the Senate. Are we to believe that the spirit of what Senator Evans said last night and the spirit of what Senator Cameron said this morning does not reflect the views of most members of the Australian Labor Party caucus? I do not believe that, although that is what we are told. I think those voices were the authentic voices of the Labor Party which is not implementing these changes of policy because it believes in them but because it feels it has to do this because its policies are no longer trusted by the Australian people. The Labor Party knew that its policies were spectacularly failing and, more to the point, were being seen by the Australian people to be spectacularly failing and it had to do something to change the dynamics of the debate.

This government, without any conviction in what it is doing, has taken back the position that it denigrated and opposed under the previous government and cannot be said in any sense to have its heart in what it is trying to do. It is clearly doing this with the greatest of reluctance. The Howard government opened the Nauru detention centre from scratch 19 days after deciding that we needed to put in place a more effective policy in the form of the Pacific solution. I know it is now 29 days since the Gillard government came to a similar conclusion, and we are yet to see the reopening of the centre—even though there was a centre, albeit one that had been allowed to run down, courtesy of the Rudd and Gillard governments. But there is even now a fundamental problem in the way that the government is approaching this task. It is implementing the Howard government policies without the conviction that goes behind such policies. The government is hoping that the policy it grabbed quickly off the shelf, as it were, is the policy that will get it out of this political bind, that will eliminate and cancel the pains the government has felt so obviously in the last two to three years as the policy has progressively collapsed.

Senator Thistlethwaite said a few weeks ago during the debate on the legislation that underpinned today's motion that he was glad that this was happening because now the issue was going to go away. The problem is that it is not going away: the boats are still coming. In the last 24 hours, four boats have
arrived carrying 205 people, bringing the total number of arrivals this year to 10,000. The policy is not working, because the Gillard government has picked up only part of what the Howard government was doing. The Gillard government has only adopted those elements it thinks it can get away with to make it look as though there are some differences from the approach of the previous government. But the government hopes these differences are enough to make it look to the people smugglers as though the government now means business on the question of deterring their trade. But it is not working. I am sorry to disappoint Senator Thistlethwaite and others, but I think this issue will be part of a live debate for the Australian community for some time to come.

This government has so stimulated the business of people smugglers, so encouraged them to put up a shingle and open their doors to vulnerable people wanting to find a new life, that it is going to take a great deal of conviction and effort to stop the trade. Picking up only part of the elements of the previous government's policies is not going to achieve that. We have made it perfectly clear that you need at the very least to put other elements in place, such as the re-enactment of temporary protection visas and the policy of turning boats around when it is safe to do so in the waters around Australia. The government at this point is not prepared to take those steps, but how many more boats do we need to have, how many more risks to people's lives do we need to have before the government takes those other steps? Until the government takes steps of that kind, I do not think this issue is going to go away.

I turn to what the Greens have had to say in the course of this debate. They have thrown out a fairly large number of insults to other parties in the course of this debate. They have attacked the sincerity and the bona fides of the other parties in the Senate. Senator Hanson-Young, in the course of her remarks, said: 'No-one believes that the major parties will look after refugees.'

**Senator Hanson-Young:** Well, you haven't done so yet.

**Senator HUMPHRIES:** You continue to make that assertion. First of all, I think that is obviously hyperbole. I remind Senator Hanson-Young that under successive coalition governments, from after the Second World War until the present day, hundreds of thousands of refugees have been brought to Australia and successfully settled here because we wanted to make sure refugees had a decent chance at a life. That record stands very clearly.

**Senator Hanson-Young:** Until Philip Ruddock came along.

**Senator HUMPHRIES:** You can interrupt all you like, Senator Hanson-Young, but our record on refugees is second to nobody's. This party, this opposition, has been responsible for many tens of thousands of refugees being brought to this country and offered homes here and new lives. What I also think needs to be said at this time is a point that the Labor member for Fraser made in a debate a few weeks ago when the policy was in the first stages of being reversed. He said the Greens are hardly in a position to talk about this because it has been the Greens' policy on onshore processing which 'has been in place for the last four years'. The Greens have had their policy put in place; it has been put into effect.

**Senator Hanson-Young interjecting—**

**Senator HUMPHRIES:** I know you did not like elements of the policy; you would have liked more things in more areas. The Greens are never satisfied in these sorts of areas. You would like to spend more money on this or put more money into that—there is never enough money as far as the Greens are
concerned. But your policy is the one that has been in place for the last four years and, as a result, your party has to share some of the responsibility for the 704 deaths at sea since October 2009. You wanted onshore processing, you got it under this government and you have got to share some of the blame for the consequences of that policy. You tell us now that the policy is not working. You would not know a policy that works if you saw it. You claim that the policy was not working between 2001 and 2008 under the Howard government even though the boats virtually stopped and there were virtually no deaths at sea. That was the record of the Howard government.

The record of the Rudd and Gillard governments is one where the policy has failed and the deaths have occurred. The Greens cannot pretend that they sit magnificently divorced from those actions because they supported those actions on the floor of the Senate, they buttressed the government's moves towards that end and today they have to bear some responsibility for the fact that the policy has been a failure. Notwithstanding their attempt to say it was not done the way that they wanted it done, the policy has been a failure and they share some responsibility for that failure, including the massive waste of money and the huge loss of life at sea.

It is time to acknowledge that new measures need to be put in place. The government has been brought, kicking and screaming, to the position where it is now implementing the policies which it says were not successful in the past but which it now says, miraculously, are of course the ones that have to be implemented in order to be make it work. I welcome the fact that the government has come to that position. It would be the decent thing to do if the government was to acknowledge, at least in passing, in a begrudging kind of way, that what the coalition have been saying for some time deserves a little bit of credit, that it was what we have been urging you to do for the last four years and you have only just come to the conclusion that it is the right thing to do. And don't pretend that there are differences in your approach, because if you say, 'We're not doing TPVs and we're not doing turning back the boats,' you could find yourselves embarrassed by that claim because you might yet have to come back and do it when you realise that the policies you now have in place are still not deterring the boats.

I think I am entitled to a little bit of venting today at the government for the ungracious way in which it has acknowledged that its policies need to be reversed and that it needs to come back and pick up the policies of the coalition. It is good that the parliament has the chance today to approve the instrument of designation made by the Minister for Immigration and Citizenship to put this policy firmly in place. But I warn, as both Senator Cash and Senator Brandis have done already in this debate, that you cannot get the solution to the problem which the Howard government had unless you pick up all the elements of the Howard government policy. That has not yet happened and you are therefore very far from being out of the woods yet on this question.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:50): I rise to oppose the approval of the designation of the Republic of Nauru as a regional processing country. I want to start, as I started a previous contribution in the debate on the legislation, by remembering the people we are talking about. We seem to forget that these are people fleeing persecution, terror, torture and inhumane treatment in their homelands. And what we are doing through this process is further subjecting these
people, who are fleeing for their lives and the lives of their families, to the inhumane conditions that will exist in the facilities on Nauru. In the first instance, they will be in tents.

The government has not ensured that the facilities will meet the humanitarian standards that the Houston report said should be in place. Those standards are not being met and will not be met. The government is relying on the so-called Houston solutions but it is not implementing the recommendations that humanitarian standards should be in place. In fact, this is why Nauru did not work last time, and it is why people then had poor mental health and are in fact still suffering from the effects of being held on Nauru for excessive periods of time. It is interesting that in answer to questions today from Senator Hanson-Young, our portfolio holder on this issue, the minister would not commit to what period of time we are talking about and would not commit to what a no disadvantage test means. It seems to be elastic and indefinite. The government wants to walk both sides of the road. They want to have a so-called no disadvantage test but they do not want to say how long it will apply. In questions to Senator Lundy, representing the minister in this place in the debate on this motion, Senator Milne articulated the concern that some people had—and Senator Hanson-Young raised this too—that for Malaysia it would be something like 76 years. Senator Lundy's response was, ‘That's something we will work out in full consultation with the UNHCR.’ Has the government done that yet?

**Senator Hanson-Young:** The UNHCR advice is that they cannot do it.

**Senator SIEWERT:** In fact, the UNHCR advice is that they cannot do it. So what does the government mean by 'no disadvantage test'? Are people going to be stuck on Nauru for 76 years? How long are they going to be there—20 years? That is why, at least, the government needs to be committing to a time line of detention of individuals on Nauru, and that is why Senator Hanson-Young will be addressing this issue through amendments.

Imagine fleeing violence, persecution, terror and torture and then not knowing your future—being held for an indefinite period of time in inhumane circumstances where this government has not guaranteed that humanitarian standards will be met. People could potentially be there for vast periods of time. We have been told that pregnant women may be sent there for vast periods of time. Children born there could be held there for long periods of time—20 years. They could enter adulthood being held in an indeterminate future when they are fleeing from a country where their futures were also indeterminate and they were subject to violence. I cannot get away from the fact that these people are fleeing for their lives. They are fleeing war. They are fleeing persecution. And here we are persecuting them further because we have not addressed this issue properly.

Senator Humphries says this is our policy that they are changing. Well, the Greens do not support children in detention. Senator Humphries was proposing that the government is changing this because it is our policy that has been in place. In fact, that is completely untrue. We do not support children in detention. We were not talking about circumstances where the humanitarian intake had been increased and those people were being resettled. The government has only just announced it will increase the humanitarian intake. We have been proposing for years that the humanitarian intake be increased, that people be processed properly and that we restart the resettlement
process—so that people do not have to get in boats, so they know they will be properly assessed and resettled, so they do not have to risk their lives.

But, as people are saying, they have had to flee and they have had to take their lives in their hands to flee. And how do we treat those people? We put them in tents in Nauru. These people who have fled are the same as any one of us. I believe that anyone, to protect their family, to protect themselves and their families and their children, would attempt to flee. And what do we do? We lock them up in detention for indeterminate periods of time—on Nauru. And, in the not too distant future, we will have another approval in here designating Manus Island as well. And then where else? Will we find other islands dotted around the place to put detention centres to keep people in inhumane conditions for indeterminate periods of time—simply for trying to protect themselves and their families from persecution, torture, terror, war and violence? Let us keep remembering the people that we are talking about. We keep forgetting why people are fleeing in the first place.

We have an organisation that is apparently now going to be put in place to run this process—Transfield Services, I think they are called—which has no experience in this area. Great; let's just keep racking up the problems on Nauru!

Senator Hanson-Young: An engineering company.

Senator SIEWERT: An engineering company—great! And today it was announced that the Salvation Army would be providing some support services—an organisation that at least cares. The government is not providing those services—and the coalition doesn't—so the Salvation Army will be there to care for these people. What I would like to know is what confidentiality agreements they will be forced to sign. You can bet your bottom dollar that they will not be able to do advocacy for individuals for problems that they see.

Senator Hanson-Young: Let alone speak to the media.

Senator SIEWERT: Will they be able to speak to the media? Will they be able to tell the media of the circumstances in which they are operating and in which they find refugees living on Nauru? Will they be guaranteed that, without fear or favour, they will be able to speak out on behalf of those individuals?

I heard on the radio this morning that they were saying they would still be able to do advocacy, but a systemic advocacy. Systemic advocacy is very, very important, but individual advocacy on behalf of individuals in these detention centres will be absolutely essential. Is the government prepared to say now that these caring people will be able to advocate specifically on behalf of individuals and speak publicly in the media about what they see on Nauru and wherever else they provide support? Will they be able to speak publicly about that now—not in five years time or 10 years time, but now—of the circumstances that they find? I would appreciate it if, in the summing up of this debate, the government could answer that particular question.

Will the government also provide publicly the contracts that these service organisations will sign with the government so that the community is confident that there are no secrecy or gag clauses in these policies? The government today, also, would not give any commitment around the timing of when the humanitarian intake would proceed. They could not answer that question. Just when is that intake going to increase, and what are
the details around direct resettlement? Those questions still remain unanswered.

As has been articulated in this place on several occasions, we are now up to 2,009 people arriving since the bill went through this place. This sends a clear message that people are still desperate. People need to know that there is an alternative avenue to coming to Australia, so there is a need for the government not only to say that they are going to increase the humanitarian intake but actually to start that process. This is not the way to treat the most desperate and vulnerable people, who are fleeing for their lives and those of their families. These are people who have risked everything to escape that persecution, and how do we treat them? We throw them in another camp indefinitely, because we are not welcoming; we are not prepared to treat people in a decent manner.

Australians, I think, can and should be doing better in helping the most vulnerable people who are desperately seeking asylum. These are refugees. And how do we treat them? We shove them on an island, in a tent, do not give them adequate support, do not bother to make sure that they reach humanitarian standards and we keep them there for as long as we want, really. And we are expected just to trust the government that they are somehow going to work this out; that they will come to some time line eventually. Actually, what this is about is 'out of sight, out of mind'. We are now going to be subjecting people to more inhumane treatment and to poor health outcomes, particularly to poor mental health outcomes.

And we think that we are a first-world nation, that we are a developed community, and yet we think it is okay to treat people that way—to send children into detention indefinitely, to send pregnant women into detention indefinitely, to send men into detention indefinitely? Since when is that the action of a decent, civilised and fair society? It is not the action of a decent, civilised and fair society to treat our fellow humans that way—people who have already suffered so much.

No, we do not trust the government to implement the no disadvantage test. In fact, they do not know what they are talking about; they do not know what that means. They certainly have not articulated it in here, and they cannot. Senator Lundy's attempt was, 'Oh, we will talk to UNHCR about it.' I do not know whether they have or not, and I do not know whether we have been told this or not, but the UNHCR says that you cannot. What we are doing here is condemning people to inhumane treatment for an indefinite period of time. It is not reasonable, it is not decent and it is not fair. We will be opposing this motion.

Senator BERNARDI (South Australia) (18:05): In rising to make a contribution on this motion I recall some wisdom given to me very early on in my business career, that the definition of insanity is doing the same thing and expecting a different result. It is pleasing to me that most people in this place have recognised that we could not continue to get the results that we have in respect of our border protection and the arrival of illegal vessels as we have seen over the last few years.

I say 'most' because there are still groups of people in here, within the Greens party, who refuse to accept that the evidence that the change from the policies that worked under the Howard administration to those that were introduced by the Rudd-Gillard administration has resulted in hundreds of boats and tens of thousands of people paying their way to circumvent Australia's orderly humanitarian refugee program as well as our orderly and regular immigration intake, for their own desire to live in this country. More
importantly, it ignores entirely the fact that at least 1,000 and possibly more—no-one can know how many more—people have paid money to people smugglers to get on leaky boats and they have died at sea. They have drowned and disappeared without trace.

Senator Hanson-Young: And what did you do about it?

Senator BERNARDI: I hear Senator Hanson-Young chiming in, as she normally does. This is the senator that, when one great tragedy occurred, said, 'Well, tragedies happen.' Such was her blase-ness. Such was your concern for the people who died at sea, Senator Hanson-Young, that you said, 'Tragedies happen.' Then you come in here with your crocodile tears. You are the phoniest of phonies. You are a media show pony that is just a fake and a fraud.

The ACTING DEPUTY PRESIDENT (Senator Stephens): Order! Senator Bernardi, through the chair, please.

Senator BERNARDI: Before I was rudely interrupted—

The ACTING DEPUTY PRESIDENT: Not by me, I hope!

Senator BERNARDI: Not by you, Madam Acting Deputy President, but by Senator Hanson-Young. There was a process in which the boats had effectively stopped, and it was not done only so that Australia could protect its borders; it was a matter of the Australian people determining what is in their best interests.

Senator Hanson-Young: What about the children that lost their lives on the SIEVX under your government?

Senator BERNARDI: Senator Hanson-Young continues to get engaged about the children that have died, and she goes back to the time of the SIEVX. Indeed, it was a tragedy, and that is why we implemented policies that stopped the boats coming. We know the callous and hard-hearted Senator Hanson-Young is becoming increasingly embittered because of her failed leadership attempts within the Greens, and now she continues to desperately look for any other way to grab some notoriety along the way. If she listened instead of talking all the time, we would have a far better opportunity to determine how Australia's national interest is improved by having an orderly migration and refugee program.

I make the point that those on this side of the chamber and those on the Labor side of the chamber actually support a humanitarian refugee intake. It is something that we think is important. We have in excess of 13,000 places currently there for that. We have people in camps right around the world, wading through the United Nations processes to come to Australia or be delivered into a better life, and we support the United Nations in that endeavour. Some of them, indeed, are waiting five, 10 or 15 years in order to do that. Unfortunately, there are people in this chamber, within the Greens party, who would prefer people to be able to buy their way into the country by paying criminals who facilitate illegal entry vessels. I am not sure how that fits in with the Greens’ global agenda, but nonetheless it is wrong. It is wrong that people are able to, in effect, circumvent the appropriate processes by paying money. That might sit comfortably within the Greens party, but it does not sit comfortably with the people of Australia. It is a great concern that, despite the overwhelming evidence, people are still refusing to see the truth, if you will.

But, having said that, I do not stand here believing that a return to offshore processing itself will stem this tide—this virtual armada—of illegal vessels. I do not see that, because the people smugglers are quite canny and they know that the government's policies in this regard will eventually meet a
tipping point. The tipping point will be when Nauru, Manus Island and whatever other solutions they can concoct are full. So the problem is that we have the first leg of a three-legged stool. But it is progress, because hopefully it will deter some people from making a dangerous and perilous journey and taking advantage of Australia's good will. But there are other aspects that need to be implemented in order to fully protect people from the vicious people-smuggling trade. We need a return to temporary protection visas. When people are fleeing countries in genuine fear of their lives and they are desperately looking for a humanitarian solution, they need to know they can stop somewhere and be safe until it is safe for them to return to their home countries.

I pick up on a few words that Senator Siewert said. She is generally very measured in these areas. Senator Siewert made a point about people fleeing for their lives and about war zones and things of that nature. Predominantly the boats come from Indonesia, which is neither a war zone nor where people are being persecuted—except Christians in some areas. People that reside in Indonesia are generally safe and they have opportunities. They have entered Indonesia through one, two or three countries—sometimes from Afghanistan, Pakistan or elsewhere. So it is not as if they have fled their direct point of peril. They have gone through a number of areas in order to reside in Indonesia.

The second point I make about the boats is that some of them come from Sri Lanka. Of course, Sri Lanka has had a troubled time, and there is no question about that, but Sri Lanka is now no longer a war zone—as evidenced, I guess, by the fact that the Deputy President of the Senate is now representing the President at an international parliamentary conference there this week. We are not in the habit of sending senior parliamentary representatives to war zones for political conferences.

The point I make is that it is disingenuous to say that these people are fleeing a war zone or are fleeing in fear of their lives. They have had an opportunity to move to different countries in some instances, or they are leaving because they think that there is a better life in Australia. There may indeed be a better life for them in Australia, but we should be determining who comes to Australia and the circumstances in which they come to Australia, as John Howard famously said. More importantly, we should not undermine the work of the United Nations through the processes that are formally in place in many of these camps.

Senator Di Natale interjecting—

Senator BERNARDI: It is a great concern that there are those over on my left who are flippant about such important things as this because they do not like dealing with the facts. The facts that we have are that there are successful policies that have been proven to work in the past. They were dismantled by the government, ill-advisedly, and the boats started to come again and people started to die again. We do not have a cavalier manner about this. We do not have a cavalier approach to it; we have a genuine desire to make sure that people do not die at sea.

In that respect, I am pleased that the Labor Party have joined us. I am pleased that people like Senator Doug Cameron stood up here in this chamber and said, 'When the facts change, I change my mind.' It is a credit to Senator Cameron, because he is quite intransigent on any number of things, but he has recognised through the caucus process that this is a very important path. The problem that we have is that there are still those people masquerading as compassionate
who somehow think there should be an open slather where anyone who wants to arrive in Australia should be able to come here. There is no actual proposal from the Greens about what limit there should be on the number of people who claim refugee status in Australia. There is no point that the boats should stop coming because people are dying. The only suggestion they could perhaps offer is that we fly them in directly or buy a ship. Maybe we could use that trawler that they successfully banned today; just load it up with refugees and bring it over to satisfy the insatiable demand from the Greens to undermine whatever sovereignty Australia has. It is an extraordinary position. It is a wilfully negligent position they have taken with regard to this.

Whilst I feel very strongly about this—and I know that many people do on this particular area—I think we have to take a genuine humanitarian approach. The fact is that, if refugees or illegal arrivals are processed offshore in Nauru or on Manus Island, they will be safe. This satisfies that. They will be accommodated, they will be fed, they will receive appropriate medical care and they will receive the appropriate education and lessons required to ensure that it happens.

**Senator Ludlam:** Some of them will kill themselves on that island.

**Senator BERNARDI:** Senator Ludlam says that some will kill themselves. It is a bit rich for Senator Ludlam and Senator Hanson-Young, who just dismiss the hundreds of people who die at sea—the thousands of souls that float around as a result of the Greens' policies—

**Senator Hanson-Young interjecting**—

**Senator BERNARDI:** You should creep yourself out—not just the rest of Australia—because, honestly, how can you live with yourself at night? It is extraordinary. None make so much noise as the empty vessels, and we have heard a lot of noise about a whole range of things, none of them directly relevant to the fact that thousands of people are dying at sea because of the stupid and ridiculous policies that the Greens want to encourage to keep them there. It is extraordinary.

**Senator Hanson-Young:** And you want to push them back to danger.

**Senator BERNARDI:** I know responding to interjections is disorderly, but, yes, Senator Hanson-Young, I do want to keep them from hopping in these leaky boats. I want to keep them where they are safe, whereas you want them to hop on the boats and risk dying on the journey to Australia because of your policies. That may sit well with you but it does not sit well with me, and I do not think it sits well with the Labor Party or the coalition. We have a serious issue whereby those who profess accountability and transparency refuse to accept the facts.

The other question I would like to raise is about the fact that the policy that the Greens support is a very expensive one. It is costing billions and billions of dollars. It is easy for them to endorse these sorts of policies; I remember just last week when there was an announcement of a dental scheme between Senator di Natale and the health minister. Senator di Natale was asked about the cost of this problem. There was a shrug of the shoulders, and he said: 'It's not my problem; it's the government's problem. They've got to do it.' This is the level of political discourse and fiscal responsibility that has been exhibited by the controlling party on the government side. It is an appalling indictment on their lack of accountability and it goes to the point that, since Senator Bob Brown left—I did not agree with Senator Brown on a lot of things, but he was
a canny and wily politician and he knew about a whole range of things—we have a rabble within the Greens. They have not got a clue. They cannot even control the government anymore, although they are doing their level best to.

But let us go back to the matter at hand. Australia deserves an orderly program for the processing of genuine refugees. It is not about facilitating, incentivising or encouraging those who are economic refugees, those who have the cash to game the system, to pay their way into Australia, to destroy their papers on the way, the people who can make claims and counterclaims with very little accountability. We need to do what we can to discourage those who want to take advantage; but, more importantly, we need to do what we can to stop those who are risking their lives unnecessarily, and this offshore processing program will be a step in the right direction. There are two more legs in the stool, as I said. Temporary protection visas are very important to this. The other one is about turning the boats back where it is safe to do so because we need to send a very clear message that we will not facilitate in any way, shape or form the people smuggling business.

Senator LUDLAM (Western Australia) (18:20): It is with some dismay that I rise yet again; this is the third parliamentary sitting spell in a row where this issue has been brought before the chamber, and it just feels as though we go further down the rabbit hole each time. I have listened very carefully to the contributions of the coalition, and I would like to note for the record—perhaps things will change—the fact that not a single government senator has turned up to defend this policy apart from Senator Lundy, who carried the can for the minister in this place the last time this issue was debated. Where are they? Out there defending the policy?

One thing I will acknowledge is the insufferable smugness of the coalition senators who have turned up in here to claim the policy as their own. I will acknowledge that. Understood. I get it. You are broadcasting loud and clear that the government has taken on your policy, so you are in here doing the government's job of defending the miserable state the debate has got to. Senator Bernardi and those who contributed before him have made it very clear what the talking points are here: 'We've got the Labor Party on offshore processing and now we're going to have them on temporary protection visas and towing the boats back into open waters.'

I heard the minister earlier during question time say very clearly that the government will not be following the coalition down that particular rabbit hole, of temporary protection visas and towing boats back into open waters. But guess what? I have no idea what to believe anymore as far as the government is concerned. Maybe they will join Senator Bernardi and his other two legs of the stool, terrifying contraption though it is. For all we know, Senator Cash, perhaps you will get your way and the government will follow you down to the bottom of the bucket and reintroduce temporary protection visas, though probably, for the sake of argument, they will call them something else. Maybe they will even go against the express advice of the Australian Navy, who have said, 'Do not force us to turn boats back, because it is dangerous to the people on the boats and it is dangerous to naval personnel.' Who knows—maybe the government will complete the triple backflip and go where you are insisting they go. And guess what? The boats will keep coming.

I was expecting—and call me naive—some degree of reflection on the fact that, since this policy was announced and then introduced, several thousand people have
continued to put themselves in harm's way on these boats to come to this country, despite the fact that these prison islands are now being made mandatory. These tents in the jungle and these tents on concrete pads are being prepared even as we speak. We know that that news is percolating through the camps and that people are still attempting these journeys, because even a tent on Nauru is safer than the places which they are fleeing from. So you could introduce TPVs, if you want to, and you could introduce towing back the boats against the express advice of the Royal Australian Navy, and people will still come. I will not expect anybody to come in here then and admit that you were wrong—but you are wrong.

We hear a lot of talk about a regional solution to the movement of displaced people. Senator Bernardi, in the middle of the spite and polemic of his contribution, did actually raise some points about why people come, and I think those are worth addressing. To have any chance of success, a regional solution will involve supporting human rights in the countries of refugees and, of course, in those countries which they pass through on their way to Australia. So let us cease and desist from future invasions in far-flung parts of the world that we barely understand and which then lead to outflows of refugees who then find their way to Australia. Let us stand up for human rights in places like Sri Lanka, where there was ethnic cleansing and the massacre of hundreds and then thousands of people who are still making their way in varying degrees of trauma to Australia.

Perhaps most important is the reforming of Australia's asylum application system abroad, so that it is no longer so prohibitively slow, and the boosting of Australia's humanitarian intake, because I think that hope rather than fear is the answer. Senator Hanson-Young and Senator Milne have made this point over and over again, but it seems worth repeating because those on the other side of the chamber do not appear to be hearing it. Rather than the department circulating these daft little YouTube videos that say how terrifying Australia is and how much barbed wire we have surrounding the country, why not circulate in the transit camps the fact that we have lifted the refugee intake and that we will need to lift it again, I think inevitably? Why not say that there is safe passage out of these camps, that you can turn up there and you will not be buried there indefinitely and that eventually you will be given a safe place to resettle and a safe way to get here? That is the kind of news that undercuts the business model of the people smugglers, if we want to descend to that kind of language. That is what will give people hope.

People know very well the kinds of risks that they are taking when they put themselves on those boats. It is broadcast from one end of the region to the other. If the department thinks that cooking up these dopey little YouTube videos to persuade people that Australia is a place of crocodiles and sharks and that it is scarier than politically motivated violence in Iran, ethnic cleansing in Sri Lanka or war in Afghanistan, they are absolutely delusional. Those policies were not the solution when they were introduced by the coalition.

It is remarkable the degree to which the coalition just pretend that the SIEVX never occurred. The reason they do that, of course, is that it does not fit with the narrative that they stopped the boats. Those harsh policies were designed to deflect people from seeking our shores and were not in fact effective in the first place, because the SIEVX sank two months after the Pacific solution was introduced. Nauru did not deter them, and it will not deter them again. We now have more than a month's worth of evidence, if
you take it from the announcement of the policy. This form of deterrence simply will not work because, as I said in my contribution the week before last, it has to be more of a deterrent than war, violence, ethnic cleansing, torture and the risk of drowning.

Maybe Senator Cash and Senator Bernardi, who have led the charge on this, have some ideas for how Australia can be scarier than those things. And heaven help us all if you end up on the front bench in a future government. The policies that you introduced were not the solution then and they are not the solution now, because since the announcement with so much fanfare we are seeing both major parties backing away from the instantaneous deterrent value that was meant to be applied with the passage of this policy—2,049 more people have arrived by boat, seeking refuge in this country from exactly the same dire international circumstances from which they were seeking refuge before this policy was introduced.

So, sure, you folks are getting to score some very interesting points in the domestic media. You are probably getting great runs on talkback radio, on Alan Jones's station in Western Sydney—and good luck to you for that. However, it is making no difference whatsoever in the real world, in the terrible circumstances of wars and displacements which are forcing people to seek asylum in places like Australia. If you think a YouTube video is more frightening than Pashtun nationalists or Taliban insurgents in the Swat Valley or Afghanistan, if you think a YouTube video is more frightening than the Rajapaksa government of Sri Lanka, which has been implicated in war crimes, or the way that the Iranian state treats pro-democracy dissidents in Iran, you are out of your minds. Statistics can be dry but the figures that are involved are, I think, quite instructive. It was delightful to hear Senator Humphries refer to the proud Liberal traditions of allowing people into this country. Of course he was referring to changes that were made when the Fraser government was in power. Former Prime Minister the Hon. Malcolm Fraser was sitting in the public gallery when Senator Hanson-Young made her contribution in the last dishonourable phase of this debate, and he certainly was not cheering on Senator Humphries or the arguments that are being made now. You have so unmoored yourselves from the principles of liberalism that your former Prime Minister has now utterly divorced himself from the direction in which you have taken the debate.

But it is worth taking a look at what was done then, when huge numbers of people flowed out of Indochina fleeing a war—another war that Australia was implicated in, where there was carpet bombing of South-East Asian cities by our great and powerful neighbour, the United States. After a relatively high number of asylum seekers arrived by boat in Australia subsequent to the end of the Vietnam War—one of the last disastrous occupations we allowed ourselves to get dragged into—there was actually a prolonged quiet period. From 1981 until 1992, the number of refugees arriving by boat never exceeded 214 in any given year. In 1999, seven years after the mandatory detention of asylum seekers was introduced, there was a spike in numbers to 3,721. I know that amnesia does tend to prevail in this debate, but let us remind ourselves that the whole concept of mandatory detention was supposed to be the disincentive. Does anybody remember that? That has just failed dismally. We no longer have room on the mainland to put people. That is what provoked the idea that we can simply divorce ourselves from the problem and dump people in concentration camps on Pacific islands. It was because the deterrent value of onshore processing, of dumping people in cages in
the desert in Australia, was so utterly ineffective. But we can let amnesia prevail. Perhaps it does help you folk in getting hits on Alan Jones' radio program and in the *Daily Tele*, but it has no bearing to reality at all. If mandatory detention was needlessly introduced after a decade of very small numbers of people arriving, then why did the numbers go up seven years after the 'deterrent' started? Kabul fell to the Taliban in 1996. In 2011 the number of people seeking asylum in Australia fell by nine per cent—almost all of which, incidentally, was in boat arrivals—from about 6,500 to 4,500. That happened without temporary protection visas, it happened without Nauru, it happened without the Malaysia solution. There has been no analysis from either side of this chamber as to why that could be the case.

I would be interested to know whether in fact anybody else in this debate is even interested in that steep drop in boat arrivals or why the number went up again this year despite no change in policy from one year to the next. In fact, it is more to do with the wars in Iraq and Afghanistan; the presidential election in Iran and subsequent protests and crackdown; the Saffron Revolution in Burma, which saw huge numbers of people flow across into Thailand and elsewhere; and the end of the brutal civil war in Sri Lanka. These things are what have played crucial roles in flows of people seeking to escape violence and repression.

You hear it sometimes dismissed with a wave of the hand as, 'Oh, yes, the push factors; we've thought of those.' But they do not play on talkback radio stations that are used to dog whistle the Australian people into submission—believing, as everybody in this country believes, that if only the parliament could do something we could stop the flow of people away from the horror of war. I think it is readily evident that people in this chamber do not see any political capital in acknowledging the fact that the ebb and flow of people out of war and disaster zones has nothing to do with the degraded state of domestic policies or the way that this debate, from the Prime Minister down, has been conducted.

There are more than 8,000 asylum seekers in Indonesia. In fact the unofficial figure is much higher than that, but the UN refugee agency's annual budget in Indonesia is a mere $6 million. I am fascinated to hear the numerically illiterate Senator Bernardi telling us that the Greens policies of not building these prison cages all over the Pacific and remote parts of Australia will cost billions of dollars. I have just been informed that it has been estimated that to put Nauru together is going to cost $1.5 billion a year for the next 10 years. How Senator Bernardi comes to the conclusion that simply raising the humanitarian intake and dismantling the suppressive infrastructure of barbed wire cages and surveillance cameras would somehow be more expensive than what the act of this chamber today would seek to establish is absolutely beyond me.

An immediate increase in UNHCR funding of $10 million from Australia, which is a rounding error compared to what we are proposing to spend on these new institutions, would greatly increase their capacity to assess asylum applications. Australia accepts 60 people, on average, from Indonesia and Malaysia every year, and the pressure to risk a dangerous boat journey builds to boiling point quickly. As many of us have said before, people are arriving in these camps and what they hear from people who have been there a while before them is: 'You're stuck, you're not leaving. There is no queue. It's just a dumping ground for people.' But imagine if news were percolating through those camps that if they are patient they will
eventually be resettled. That was exactly the situation that prevailed during the years of the Fraser government. It was not immediate; it was not instantaneous that people arrived and they were instantly shipped to Australia or other resettlement countries. But people knew they would be safe, they would be fed, they would be looked after, their human rights would not be abused and eventually they would find a home where their applications could either be assessed directly or be assessed in the places where they were.

That is what a former Liberal Prime Minister did, and it is kind of horrifying to hear Senator Humphries invoke that tradition in defence of the degraded state of the debate today where the coalition have managed to drag the Labor Party across to their side of the debate, to completely own and control the terms of the debate, and they are now sitting there with smug expressions on their faces, looking at an empty ALP bench because nobody has turned up in here to defend this atrocious policy. No wonder they feel smug.

Senator Farrell: No, I'm here!

Senator LUDLAM: I do apologise to the ALP members who are here, and I invite you to stand up and defend what you are doing. I suspect you will not, but you would be entirely welcome to do so. But I do acknowledge there are two ALP senators in here who have stayed silent and avoided eye contact for the entire duration of the debate.

Offshore detention is as harsh as it is pointless and it will not stop people coming. All it will do is damage the people who are locked up: people who are locked up without knowing when they will be released, why they are being locked up in the first place or even if they will be released. They are locked up without breaking any law—international or Australian. As has been established time and again—and the Leader of the Opposition can remind his Senate colleagues if they ask him, because he has fortunately been taken to task on this once or twice—asylum seekers are not illegal immigrants. The way international law has prevailed over the last few decades is that it is not illegal to seek refuge in a country that is not your own if you have been forced to leave by those kinds of circumstances. It has been repeated so often that, again, I believe that amnesia simply prevails.

The fact is that reinstituting temporary protection visas will simply increase the number of women and children who find themselves on these nasty little boats in the open ocean. But that has not deterred the coalition from saying to the government: 'We've got you on offshore processing; now you need to come at us with temporary protection visas and towing boats back. That'll fix things.' It will not, but it serves your purposes and it serves your talking points for today. We know that temporary protection visas were the reason that so many children were onboard the SIEVX when it went down with everybody onboard. The idea of temporary protection visas is simply bankrupt. Of course we support government spokespeople, and Senator Evans was eloquently at it again today, as he has been over the last little while, saying: 'The Australian government won't be doing that. The Labor Party won't be doing that.' If only we could believe the government when it says that, because maybe in six weeks time the coalition will have dragged it even further down into the gutter. Lastly, on turning back the boats, for heaven's sake, if you are not going to listen to the Navy and to the personnel who have done this under previous governments, who have faced the risk and the situations invoked when towing boats full of desperate people back into open waters—noting that the talking point says 'when it is safe', except it is not. These boats
are being towed back without adequate navigational systems and without decent crews, and are patently unseaworthy in some cases, into open waters. The Indonesian government has said, 'Don't you dare,' and has confirmed that it will not accept the towing back of asylum seeker boats to its shores. The Indonesian government also does not have the search and rescue or the inshore naval capacity to look after these vessels if they are dragged back into Indonesian waters.

The Royal Australian Navy itself has said to Tony Abbott: 'Don't be stupid. Don't put our personnel at risk in these situations.' This is not hypothetical. This is not some kind of abstract argument. The Navy was involved in 11 attempts to turn back boats between 8 September and 11 December 2001. So we have an interesting little slice of when people like Senator Bernardi and Senator Cash had their way and boats were being towed back. It is very easy for Mr Abbott to just wave his hand and issue another one of his empty slogans, as he is so wont to do. We know what happened. On SIEV5, a riot erupted among passengers and a fire was lit on the boat, endangering passengers and the naval personnel. When told of their return, a number of passengers on SIEV7 jumped into the water and then had to be rescued by Australian sailors, putting their wellbeing at risk.

According to the Navy, a couple of the boats were turned back with relatively little trouble. On one of them, SIEV12, fires were lit on the vessel and passengers jumped overboard. In the other seven interceptions a return was abandoned because of damage to the boats, danger to naval personnel or passengers or because of other safety of life at sea obligations. We have heard senior naval and ex-naval spokespeople who have been on the front line of the kinds of policy blunders that the coalition is trying to lead us straight back into that it is operationally extraordinarily fraught and risky not just for the people on the boat, whose welfare everybody in here has professed that we are trying to look after, but also for the Navy.

Donald Rothwell, Professor of International Law at the ANU, has also put on the record that the policy of towing boats back is utterly contrary to international law. We recognise that the coalition long ago abandoned any pretence of caring. It has been extraordinarily disappointing to see the government go into bat to basically overturn a High Court ruling which emphasised that treating people in this way was unlawful. But here we are, for what it is worth, turning boats back at sea, which apart from being risky to the people on the small boats and the people in the Navy doing the work is also illegal at international law.

The European Court of Human Rights affirmed that earlier this year in the Hirsi case when they found against an Italian policy of intercepting migrant boats in the Mediterranean and returning them to Libya. Australia is not alone in this. We can do better than this and this will not be the last time that this issue will have to be dealt with in this chamber.

Senator IAN MACDONALD (Queensland) (18:40): I rise to speak in this debate and to support the motion, particularly the amendments moved by Senator Cash on behalf of the coalition. I would urge the Senate to support the amended motion before the chamber. We have had another contribution from the Greens political party, full of half-truths and misstatements. Senator Ludlam, the previous speaker, indicated that boats could not be turned around and then gave a list of cases in which boats were turned around. I refer Senator Ludlam to the evidence given by the current Chief of Navy, Admiral Griggs, who
when asked at estimates whether boats could be turned around gave an example of when he was a patrol boat captain and actually did turn boats around. In fairness, I mention he also indicated that there were other times when he was unable to turn the boats around.

Senator Ludlam clearly mentioned in his contribution that when it becomes dangerous in turning boats around is when illegal immigrants—and that is what they are; they come to our country illegally—take the law into their own hands

Senator Ludlam: They are not illegal.

Senator IAN MACDONALD: Entry into Australia without a permit is illegal.

Senator Ludlam interjecting—

Senator IAN MACDONALD: If you are a refugee; that is correct. These people are not designated refugees, as you well know. But there are 10 million refugees who have been determined by the United Nations High Commissioner for Refugees to be genuine refugees and genuinely in fear for their lives sitting in squalid camps around the world, and yet the Greens will give preference to those who would illegally enter Australia in preference to those who have been waiting their turn in squalid camps right around the world. These people waiting their turn in these squalid camps around the world have been determined by the UNHCR to be genuine refugees. There is no suggestion with those people about whether they are just economic refugees or whether there are other reasons why they might be trying to come into our country, and that has to be gone through before people are determined to be genuine refugees. But that does not matter to the Greens political party. They let in these people who are not yet determined as refugees while those 10 million people who have already been determined as genuine refugees wait in their squalid camps around the world. Thank you, Greens political party!

About the only thing that Senator Ludlam said that bore any semblance of truthfulness and accuracy was the fact that the Labor Party is remarkably absent from this debate. I can well understand that. Poor old Senator Evans, the Leader of the Government in the Senate. The Labor Party is just renowned for their backflips but poor Senator Evans, when he was Minister for Immigration and Citizenship, said:

Labor committed to abolishing the Pacific Solution and this was one the first things the Rudd Labor Government did on taking office. It was also one of my greatest pleasures in politics. Neither humane nor fair, the Pacific Solution was also ineffective and wasteful.

Poor old Senator Evans! Having gone on the record saying that—and he said a lot of other things at the time—and here he is today leading a party in this chamber that is introducing the Pacific Solution that he said was neither humane nor fair, was ineffective and wasteful. Well, Senator Evans, if, as immigration minister, you thought it was neither humane nor fair and you thought it was ineffective and wasteful, tell me why your government is now introducing the Pacific Solution—well, one element of the Pacific solution?

It just shows how completely dysfunctional this government is. It also shows quite clearly that I, like most Australians these days, have simply come to the realisation that nothing the current leader of the Labor Party—that is, Ms Gillard—says anymore does anyone take any notice of. Similar to Senator Wong in question time, as I said to her by way of interjection: 'Say what you like in non-answer to your questions, nobody these days anywhere in Australia takes any notice of what Ms Gillard says.' And, of course, why would they, when she promised on the eve of the last election never to introduce a carbon tax? Immediately she got into power, thanks to
the Greens and a couple of Independents, she broke that solemn promise to the Australian public. Had she said before the last election, 'I'm going to introduce a carbon tax,' there is no way in the world she would ever have been elected. So she duped the Australian public. They know that and, regardless of their views on the carbon tax or otherwise, they will remember that Ms Gillard broke a solemn promise and duped them.

Similarly, with Senator Evans on: what do the Labor Party believe? Do they believe in the Pacific solution? The Leader of the Government in the Senate said just a couple of years ago that is was neither humane nor fair, was ineffective and wasteful. Does the Labor Party believe Senator Evans when he said that a couple of years ago or do they believe him today when he says that this is going to solve our problems, that this is going to be the solution?

You can understand, Madam Acting Deputy President, that these days nobody in Australia takes any notice of or believes anything that this Prime Minister, the former Prime Minister, the Leader of the Government in the Senate or in fact any Labor minister says. You can well appreciate why no-one believes that anymore. In fact, nobody even listens to them anymore.

This motion today is to re-establish Nauru as a regional processing centre and a place where would-be illegal immigrants into Australia are taken to be properly assessed and then dealt with in accordance with the UNHCR rules—that is, wait their turn. If they are determined to be genuine refugees then they will wait their turn and be processed in accordance with the UNHCR rules. Although the Labor Party were dragged kicking and screaming to this result that we are taking part in today in this debate, they have not gone the whole hog, so it is not going to work. I can guarantee that the boats will not stop coming because, unfortunately, the Labor Party—

Senator Di Natale: Why are you voting for it?

Senator IAN MACDONALD: Why am I voting for it? Because it is a step in the right direction. It is one of three elements. I can assure senators here that if the Labor Party do not introduce the other two elements—the temporary protection visas and turning the boats around—then the coalition will when next we are in government. That is why I think we could save the Labor Party—indeed, everyone—a lot of problems by the Labor Party adopting the full Howard government solution this time and not just one element of it. Whilst I will be supporting the amendment—I will certainly be urging people to support the amendment—if the amendment is not carried—

The ACTING DEPUTY PRESIDENT (Senator Pratt): Order! It being 6.50 pm, I am required to interrupt the debate to move on to consideration of government documents. Senator Macdonald, you are welcome to use the remainder of your time once we return to this order of the day.

BUSINESS
Leave of Absence
Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (18:50): by leave—I move:

That leave of absence be granted to Senator Boyce for 11 September 2012 for personal reasons.

Question agreed to.

DOCUMENTS
Department of Agriculture, Fisheries and Forestry
Senator IAN MACDONALD (Queensland) (18:52): I move:
That the Senate take note of the document.
This report is into livestock mortalities during the export by sea of livestock, an arrangement that has been in place since the Howard government introduced it back in the earlier part of this decade. The statistics show that generally speaking the movement of animals by sea from Australia is done in a very humane way and there are relatively few mortalities that occur during the export by sea of livestock. In fact, Australian animals that are sent overseas are treated more humanely than animals that are transported by most other countries. That is why it is so frustrating when Senator Ludwig—the guy I am calling Jellyback Joe but I shouldn't do that—has made a ridiculous decision to stop the export of live animals to Indonesia, which has meant that animals exported from other countries will go to Indonesia and will be far less humanely treated than those that have come from Australia. This report before the parliament does actually indicate that, although there are some mortalities, relatively speaking they are minute. Such particular reports do demonstrate very clearly how well the Australian industry has dealt with the subject of the safe transport of live animals by sea. I wish the Greens political party and the Labor Party had the same concern for human beings who are suffering mightily as a result of Senator Ludwig's quite ridiculous and stupid decision to ban exports to Indonesia.

There are so many farms and so many properties, including places that have been in family hands for decades, that are now going to the wall and are being taken over by the banks on foreclosures because of this decision of the Labor Party without warning to stop the export of livestock to Indonesia. Of course, the damage that has done to our relationship with Indonesia is just awful. Quite rightly, the Indonesians were mightily offended when without warning a very substantial part of their food supply was cut off. They learned about it when they read it in the newspaper. It demonstrates again how dysfunctional and how incompetent is the government that Ms Gillard leads at the present time. So it is an interesting report, one that I think does demonstrate again how well we deal with things to do with cattle exports from Australia. If nobody else is interested in talking about this now, I seek leave to continue my remarks.

Leave granted; debate adjourned.

**DOCUMENTS**

The following government documents tabled earlier today were considered:
- Military Superannuation and Benefits Scheme (MSBS), Defence Force Retirement and Death Benefits Scheme (DFRDB) and Defence Forces Retirement Benefits Scheme (DFRB)—Report on long-term costs prepared by the Australian Government Actuary using data to 30 June 2011. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.
ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Pratt): Order! I propose the question:
That the Senate do now adjourn.

Grandparents

Senator THORP (Tasmania) (18:57): I stand today to commend the work of so many Australian grandparents who are caring for their grandchildren. It is nearly 10 years since a Tasmanian joint standing committee handed down a report on issues relating to custodial grandparents. That committee, which I had the privilege of chairing, focused on the needs of grandparents who had assumed the responsibility of parenting their grandchildren. Now, as then, grandparents generally assume parental responsibility for their grandchildren in response to family crisis or dysfunction. The child's parents may be dead or injured, victims of drug or alcohol addiction, incarcerated or have suffered mental health problems and are no longer able to care for their children. The grandparents who are confronted with such circumstances often feel compelled to step in and rescue their grandchildren from neglect.

The committee found that, having been removed from a situation risk, many grandchildren fell outside the operational sphere of state welfare authorities and, even though family support services may be desperately needed, the informal custody arrangements usually rendered such cases invisible to authorities. Research shows that kinship care—both formal and informal and where relatives, usually grandparents, are raising children who are not their own—was and is a growing area of out-of-home care both in Australia and internationally.

It is difficult to quantify the number of children in the care of grandparents as specific data is hard to get. An estimate derived from Centrelink data on recipients of family tax benefits suggests that in 2003 about seven per cent of primary carers of children were, in fact, grandparents. Custodial grandparents are also disheartened by the seemingly differential treatment they encounter in seeking legal aid assistance. The lower means-asset test threshold applied to applicants is considered unfair by many grandparents, as they are excluded. Grandparents on low incomes may be disqualified from obtaining legal aid assistance simply because they are in a modest home, while parents who may be responsible for the abuse or neglect of their children may qualify for such assistance on economic grounds. Custodial grandparents often find it difficult to gain recognition in the education system and feel out of touch in an environment which has changed dramatically since they were at school. The committee noted in its report that concern for student privacy and a lack of protocols that can readily identify the primary caregiver of a child can lead to poor communication between schools and custodial grandparents.

The need for better information was often referred to in the report. Custodial grandparents emphasised the need for non-material assistance with raising their grandchildren, information on services and entitlements and assistance with parenting skills. Access to respite care or simply someone to talk to were also identified by grandparents as areas of need that would help them adjust to their new circumstances. Stress is a significant health issue for many custodial grandparents. The compounding effects of financial and emotional stress can lead to significant health problems. The stress of meeting the demands and responsibilities of caring for their grandchildren, coupled with the grief, guilt or anxiety felt for the plight of their children's parents may compromise the health of those
grandparents and diminish their ability to cope.

A primary concern identified on a systemic level is that custodial grandparents are often not recognised as a distinct client group by the family support services that should be assisting them. The lack of an appropriate pigeonhole for custodial grandparents within government agencies leads to increased complexity for grandparents to negotiate and deal with these agencies.

The then commissioner for children recognised the 'invisible' status of some custody arrangements and saw the need for informal protocols to assist children in such family structures. The use of community-based organisations to provide outreach programs for targeted assistance was proposed as a possible solution. I am pleased to be able to say that, in 2010, more than 2,000 grandparents caring for their grandchildren in Tasmania had their needs reassessed. Many of them were then able to access kinship care payments—the financial equivalent of the foster care payment and far more than the $14 a week they were getting as recipients of the relative carer payment. The committee asked that Centrelink payments to eligible custodial grandparents be streamlined and that benefits be made readily available. Pleasingly, family payments A and B are now payable directly to custodial grandparents. Things have improved.

The committee also recommended that consideration be given to a review of the guidelines relating to legal aid for custodial grandparents. Ten years later, it is still of considerable concern that grandparents in this situation are at a disadvantage when accessing legal aid. The committee recommended that a campaign to increase community awareness about custodial grandparents be undertaken, that specialist counselling services be provided to address issues such as stress and strategies for coping with the behavioural problems of children in their care, and that financial support be provided for the establishment of custodial grandparent support groups and for relevant existing community-based organisations to provide outreach programs.

There are now two dedicated workers based in Tasmania to support custodial grandparents, and services are provided through our Gateway Services. It is pleasing to see that the current Tasmanian Commissioner for Children has put out a resource kit for carers that covers many of the issues covered in the committee's report. Despite the report calling for respite services for custodial grandparents, this remains very difficult to access. The report asks that further research be undertaken to elicit the precise nature and extent of the problems facing custodial grandparents in order to better tailor assistance and support.

We should be extremely grateful as a community that so many grandparents are willing to show the requisite love and strength to take on their grandchildren and to give them the chance to have happy and productive lives. Despite the progress that has been made, I believe we are still failing those grandparents and, consequently, their grandchildren, by not doing more to help resolve their issues. This goes deep into our society. The pressures on grandparents are growing—not only on custodial grandparents but all grandparents who are supporting families impacted by the effects of unemployment, marital instability and financial pressures, let alone drug, alcohol and mental health impacts. I salute Australia's grandparents.
Breast Cancer
Senator URQUHART (Tasmania) (19:05): Three simple words and one short phrase: 'I love you'. We all know they mean so much. For a woman who has lost a breast to breast cancer, hearing those three words from her partner is one of the most important parts of the healing process. In the words of some of these women: 'To know that you find yourself attractive and that your partner still finds you attractive', 'to know that there is more to your love than your breasts'. For a lot of couples, this process is really difficult. During such a traumatic time, a discussion about love and attraction is often not a top priority.

Support is needed, and support is currently provided to some women and their partners in the form of a breast care nurse: a health professional who is trained to manage the care of breast cancer patients throughout the course of their treatment. The breast care nurse is the focal point between the patient and the specialists who coordinate their treatment—whether it is surgery, radiotherapy or chemotherapy. These specialist nurses play an important advocacy role as well as helping to clarify technical or complicated information that the patient may not understand. Most importantly, they provide emotional support to the patient; they are a friend and a counsellor for the patient and their family.

There are currently no dedicated breast care nurses on the north-west coast of Tasmania, a region that sees around 100 referrals a year to the breast care nurse service and that currently provides about three days per fortnight of breast care nursing to these patients. Our two part-time breast care nurses do the job off the side of a desk, with their main roles in the equally important area of stomal therapy. They call themselves the 'pink and brown' team and do a great job in both.

I had the good fortune of meeting one of our breast care nurses last week, Tracey Beattie. Tracey works out of the North West Regional Hospital in Burnie, combining the roles of stomal therapy and breast care nursing. Tracey is a wife, a mother of two teenage daughters and a registered nurse. She is a dedicated practitioner who wants her clients to have the best of care. Tracey has a real passion for her breast care work. One minute she could be demystifying medical lingo for clients, the next she could be providing the emotional support to a couple that I outlined earlier. Other times she could be guiding clients on where to start when diagnosed with breast cancer.

Health professionals at the North West Regional Hospital and the Mersey Community Hospital are in the process of making a submission to the McGrath Foundation for a full-time breast care nurse in our region. As part of this submission, the hospitals need to demonstrate a strong level of community engagement for a full-time breast care nurse. I assisted on this front by organising a working mums cocktail reception in Burnie last Monday night. I hosted the event with my Labor Senate colleagues—the first all-female Senate team from any party from any state—and Mr Sid Sidebottom, the member for Braddon. We partnered with the McGrath Foundation and ConnectPink, a social media website for women.

The McGrath Foundation was set up by Jane McGrath, whose own experiences with breast care nurses led her to develop a passionate belief that every woman diagnosed with breast cancer in Australia and their family should be able to benefit from the support of a specialist breast care nurse. Jane's mission was to build an 'army
of these nurses'. Since September 2005, the McGrath Foundation has worked to provide a McGrath breast care nurse for every family affected by breast cancer in this country, regardless of where the family lived or their background. Since Jane's passing, her husband, Glenn, CEO Tracey and their team continue Jane's mission.

Over 50 working mums and some partners came out to enjoy some bubbly, some good Tasmanian cheese and discussion with like-minded people—and, importantly, to learn about the work of breast care nurses and to show their support for the application. Tracey made a speech that touched everyone in the room. Earlier, I paraphrased her story about counselling couples about love post operations. She also told of an old lady she was treating in her role as a stomal therapy nurse. This lady had had breast cancer 50 years ago. There were no breast care nurses, no support. Her father did not want to know about the operation. She was left in Launceston with no support from family and friends, desperate for assistance and counselling. Tracey explained that there are many possibilities unlocked if a breast care nurse is employed full time to provide women with the level of care they deserve, to ensure no-one is left behind, as was the case 50 years ago. The nurse could travel to the remote areas like Smithton and the northwest coast to see patients in their own homes and really gauge if they are doing okay. Programs could be started around wellness and survivorship. These are just not possible with the current three days a fortnight.

After the function was highlighted by our local paper, the Advocate, a letter to the editor appeared later last week. Annette Clarke of Wivenhoe wrote:

At a time when the health system is stretched to the limit I was pleased to see The Advocate highlight one of the North West's breast care nurses; Tracey Beattie.

From me—and I'm sure those other patients who have been unfortunate enough to need her services—thank you, Tracey.

You and your friendship are by far the best things that have come of my illness.

I thank Annette for her courage in penning the letter to the editor. There is definitely community support for expanding this important service. With over 50 people in attendance we raised $660 through donations on entry and a pamper pack raffle. Due to sponsorship from Burnie's iKon Hotel, we were able to donate all of these funds to the McGrath Foundation. While $660 goes only a small way to the fundraising needed for a three-year breast care nurse, it is a positive start.

The McGrath Foundation are continuing Jane's mission and have set a target of increasing the number of breast care nurses Australia-wide to 150 in coming years. They are building support and finance, so that every Australian family going through breast cancer can have access to a McGrath breast care nurse, where and when they need it. It costs approximately $350,000 to employ a full-time McGrath breast care nurse over a minimum three-year period. The service is free of charge, and families can self-refer without needing a doctor to intervene. This is a major difference to the current part-time model, which requires patients to be referred to the service. The north-west hospitals are saying that their current service is limited and they do not feel it is best practice. The workload relating to stomal therapy is increasing with Tasmania's ageing population. Therefore, the breast care nurse hours are increasingly difficult to incorporate into the roles, and the health professionals see this as an insufficient level of service for patients.

I understand that there is also an application for a full-time McGrath Foundation breast care nurse in Launceston.
This is extremely timely as the north-west breast care nurses have recently been advised that support from the north’s current breast care nurse for north-west women, following treatment in Launceston, is being withdrawn. This will mean that north-west women will not have access to in-hospital support when they travel to the north for treatment and that referral pathways will be impacted. North-west patients are at a disadvantage with this recent change in service provision. This increases the need for a full-time breast care nurse in north-west Tasmania.

Further, we are about to commence development of the integrated cancer care centre on the north-west coast. This centre, which has been funded by Labor governments, will see a growth in the number of women seeking treatment on the north-west coast. The centre will increase access to radiology and oncology services in the north-west. It will possess strong links and networks with larger centres in the north and south of Tasmania as well as interstate. This is of course a great thing, as women will be closer to their loved ones during a traumatic time.

The introduction of a dedicated breast care nurse would be instrumental in supporting women diagnosed with breast cancer in our region and would provide a pivotal role in the model of care for our integrated cancer care centre. By financing a breast care nurse for the north-west coast through the McGrath Foundation, we can provide the full-time support to people like Annette. We can ensure that the tragedies of loneliness, like the story of the lady 50 years ago, never occur again. I urge the McGrath Foundation to favourably consider the application by the north-west Tasmanian health professionals.

Kovacs, Mr Akos

Senator EGGLESTON (Western Australia) (19:15): Tonight I wish to honour the memory of Akos Kovacs, who was the gym master at Christ Church Grammar School for over 50 years from the mid-1950s. He became a living legend of the school and around the Claremont area of Perth, where he was seen riding his iconic bicycle everywhere. Akos was a symbol of the post-World War II migrants who came to Australia from eastern Europe to make a new life and who contributed so much to Australia and our way of life. Akos famously brought eastern European gymnastics to Christ Church and Perth. Within a few years, the teams from the school were winning the WA gymnastics championships and continued to do so for a long time. I was one of the many students who benefited from his teaching methods with challenges to climb the ropes to the ceiling of the gym and use various kinds of equipment. Believe it or not, I was once, if somewhat reluctantly, quite the gymnast. Akos, literally, as he had lost an eye in the war, and figuratively was one-eyed in his determination to drive his students to extend themselves to achieve physical feats, generated confidence in them to face the challenges of life.

Akos was something of a disciplinarian and any boy who did not perform as well as Akos felt they could was likely to be the beneficiary of an 'Akos special', a hard slap with an open hand as well as some quiet counselling on what needed to be done to improve their performance. He required boys to stand at attention when he spoke to them. That became so ingrained in a school friend of mine, Bill Muntz—who maintained contact with Akos for many years after leaving school—that he could not help but stand at attention whenever Akos called him on the phone. In 1997 at the Sheraton Hotel in Perth, I had the great honour of launching a biography of Akos by an old boy, Mason Jones. This dinner was attended by over 500 old boys and the then much older Peter...
Moyes, the headmaster who had appointed Akos who had long since retired. Akos's famous bicycle was suspended from the ceiling.

Akos grew up in Hungary, which was an axis power ally of Germany during World War II. As a teenager he was called up to service in the Hungarian army. He lost an eye on the battlefield and was sent to an eye hospital in Berlin where he heard Adolf Hitler give his last public speech at the Brandenburg Gate, from where Akos recounted, 'The Fuhrer spoke of having a secret weapon that would help them win the war'. Akos mused that perhaps Hitler was talking about some kind of nuclear device.

Soon afterwards, Akos was in a troop train above Dresden where he witnessed the allied carpet bombing of that old city, thereby concluding that Germany would lose the war having faced such intense bombing. At war's end, Akos returned to Hungary where he became a school sports master. But Hungary was not the country he grew up in, for the Iron Curtain across had fallen Europe and by then Hungary had a communist government under Soviet control.

Akos had always been a strong philosophical believer in the individual and encouraged his students to follow their beliefs and achieve their potential. Unfortunately, individualism did not sit well with the new communist rulers of Hungary and he attracted the attention of the authorities and was arrested. On a train on his way to a work camp for re-education, he jumped from a moving carriage and eventually he got across the border to Austria, where he was selected as a migrant to go to Australia. Once in Australia, he spent several years on construction sites in Tasmania before obtaining a diploma in physical education from Melbourne University in 1955.

He was appointed gym master at Christ Church Grammar School by the then new headmaster, Peter Moyes, who along with most of his teaching staff at the time were ex-military officers from the Australian Army and Air Force. For Moyes to have appointed a Wehrmacht member to join his teaching staff at that time was an indication of the broadness of the headmaster Moyes's vision.

So began Akos's long association with CCGS in Claremont and the Akos way—physical fitness, the realisation of innate potential, reading widely, common sense and family values, which became the trademark of his teaching style. Among the many hundreds of boys who went through the school during his tenure, his charges included Olympian and former hockey coach Ric Charlesworth—who was once a federal MP as the member for Perth, I believe—and gymnast Lindsay Nylund, who won silver in the 1978 Commonwealth Games and was an Olympian in Moscow.

Akos Kovacs was honoured with the Australian Sports Medal in 2000 for coaching men's gymnastics. In 2005, he was awarded a Medal of the Order of Australia ‘for service to sport as a gymnastics coach and administrator, to lifesaving, and to physical education’. In retirement, Akos worked at the school as a handyman looking after the rowing shells until a few years ago when he retired to the St Louis estate across the Stirling Highway from the school where he had devoted most of his life.

Not long before he died, he suffered a fall and passed away in the Sir Charles Gairdner Hospital. He was 87. He greatly missed his wife Alice, who predeceased him. He leaves stepchildren, Graham and Annette, two step-grandchildren and a step great-grandchild. His funeral in the beautiful CCGS chapel overlooking Freshwater Bay on the Swan
River was attended by several hundred of Akos’s former students, many of whom were moved to both laughter and tears as the five eulogies were given. Those present formed a long guard of honour as the coffin was carried to the hearse and there were very few whose eyes were not moist as they farewelled this legendary figure.

Akos was a great man dedicated to bringing out the best in his boys and giving them the confidence to tackle the obstacles life would bring them by forcing them to extend themselves to reach their potential, not just physically but psychologically. He will be long remembered. May he rest in peace.

Burma

Senator LUDLAM (Western Australia) (19;23): I rise to make some observations about a recent trip to Burma I undertook during the winter break before I travelled to Japan, which is a place I have wanted to visit for a very long period of time. Senators will be aware that each of the Australian Greens works within the foreign affairs portfolio on different issues, and in my instance I have been working with the people from the various parts of Burma, or Myanmar, in Perth, which I think has the largest population of people from that country of any Australian city. Burma really captured my imagination during the Saffron uprising, which occurred during the election campaign, and I became interested in the country, its history and the challenges that faced it at that time during the brutal crackdown on the monks and the other citizens who took the fight for democracy up to the regime.

I wanted to make more of a contribution when I arrived here and I have been very pleased to be able to work with people in the country and people in Australia in the exile community who are advocating for democracy in Burma. I was also very fortunate to visit the border town of Mae Sot in Thailand which borders the Burmese town of Myawaddy in Karen State and was able to visit there for the second time. It is extraordinary the changes that are unfolding in that country and the closer you get the more complex and more fast moving things seem to be.

There is undoubtedly progress. There is no doubt in my mind that pro-democracy campaigners have made enormous gains in the last period of time despite the fact that those who have chosen to go down the parliamentary path labour under an entirely corrupt constitution. Those who work within the parliament, which I had the good fortune to visit in the capital, work under conditions that we simply would not dream of here and they have access to very few resources. Nonetheless, labour organising is now occurring in Burma and there is a much greater degree of press freedom than there was before. Obviously the candidates who were able to stand in the by-election were then elected, and there is a reasonable degree of agreement that the by-election was mostly free and fair and people were able to campaign unencumbered. Of course, candidates from the National League of Democracy, most notably Daw Aung Sun Suu Kyi, were elected to the parliament for the first time.

However, this is still a country that faces enormous challenges and the roots of the military regime that have dominated the political and economic life of the country for decades run very deep. There is still a war in Kachin State to the north which has displaced tens of thousands of people and left the area laced with landmines. There is still ethnic cleansing in Rakhine State. Senators will be aware of horrific events of the last couple of months that have seen people expelled into Bangladesh and the
Bangladeshi government trying to force them back over the border into Rakhine State. There are still areas that are heavily mined and there are still large-scale military deployments in the ethnic areas, even the places in which fragile ceasefire agreements are holding—places like Karen state. The country is still enormously fragile. There are somewhere between 700 and 800 political prisoners but the true number is not really known because the number of prisoners who have been incarcerated as a result of their political activities in Rakhine or Kachin are really very hard to identify. So, while progress has been made, there is still a long way to go.

One of the things which I came out with the strongest impressions about is that our aid budget can make an enormous difference. Australia is one of the largest aid donors to the country, which is still the poorest in our region. We have to be very careful of the tenor and the tone of some of the investment stampede that is now underway. This is obviously a country that really needs foreign exchange but they were to do so on their own terms. That is being expressed in various forms by people who are landless and are being moved on, who have traditional title but do not necessarily have a formal paper title to their land and are being pushed aside for various forms of development. One example I will conclude with is the Myitsone Dam. Right to the top, right to the President, they been saying that this country is not necessarily open for unrestrained extractive industries. As Daw Aung Suu Kyi has put it, they are seeking democracy-friendly development or democracy-friendly investment, forms of investment that allow people to stay on their country and give people an economic future rather than simply being shoved aside for extractive investment. However, in this country there will be an increase in mining development and probably an increase in forestry, but I think this is a country that can choose to chart a different path.

Australia has some history of this, not simply to craft our aid budget to benefit Australian investors but to benefit the people as a whole. I think we can be quite proud of some of the changes that our aid budget has made and some of the diplomatic overtures that the Australian government has made in various fora. Senators will be aware that we were very pleased to see the Australian government adopt our proposal that we join a universal arms embargo and that we begin United Nations Security Council prosecution investigations of some senior regime and judiciary figures. Some of those initiatives, I suspect, may now fall by the wayside—and I think that would be a shame. But, in the meantime, there is a role for the kind of positive engagement that is being shown by not just Australia but also around the world.

I want to extend my thanks to our ambassador there, Bronte Moul, and her staff, including Michael Hassel, who runs our AusAID program through Rangoon, and also David Dalton, who is the sole AFP officer stationed there, for the extraordinary work that they have been doing, effectively starting from scratch in a country where the infrastructure is very, very basic, with a barely functioning banking system and extremely fragmentary telecommunications. This is a country that was looted by its regime over a period of decades, with the help of, I must say, some of its neighbours, including the Chinese government.

I was very fortunate, with the help of local campaigners, including some Australians who have been there for a long period of time, to meet a wide range of people and hear a wide range of viewpoints. Everyone in the country holds a different piece of the puzzle and has different views of what is
occurring there and just how fragile progress is. In one of the more chilling references, it was observed that three bullets would be all it would take to return the country to the rather dystopian place it inhabited only a very brief time ago—three key senior reformers being taken out, as it were, would plunge the country back to where it was. It is really against the backdrop of those sorts of comments that I would urge the Australian government to do as some of our diplomatic partners have done and suspend sanctions, rather than going the whole hog and lifting sanctions entirely and saying the place is open for business and all is well.

In MaeSot I had the good fortune to meet with one of the electricity ministers, with the Speaker of the Upper House and a number of committee chairs. There is an interest in parliament-to-parliament, and I think it would be a wonderful thing for this parliament to take a delegation, as delegations are being received from Burma, or Myanmar, and to actually take some of the expertise in holding the executive to account. We are not always able to do so. It is not something that we have perfected, but there is a hunger for information as to how the institution of parliament in that country can set itself apart.

In MaeSot, my thanks very much go to Pippa and Dr Cynthia Maung, who continues with her staff to provide an absolutely inspiring example of what can be done. They make a little go a very long way at that clinic there on the border that looks after tens of thousands of refugees. They are looking to a transition. They are not ready to get back into Karen State—which, as I have said, is still extremely fragile. The Australian aid budget does support the extraordinary primary healthcare work that they do but it does not extend to the backpacker health workers who have effectively built on-foot a primary healthcare system in Karen State.

This is something that will need to be revisited, so that our aid budget can be used more flexibly by those partners and those at the Thai-Burma Border Consortium and by some of the people that we work with there. It is entirely appropriate.

The cautionary tale, as I said, is with the Mytsone dam. Burma, Myanmar, is not open for asset stripping, as the Chinese government found out to their cost. A gigantic complex of dams proposed in Kachin State with the transmission wires from the hydro plants going straight across the border into China was cancelled on the veto of the President after a strong community campaign. Australia can be very supportive of this country if we listen to the voices of the Burmese people themselves.

Environment

Senator MADIGAN (Victoria) (19:33): With the collapse of contract for closure negotiations last week in the Latrobe Valley, the raging controversy over the super trawler, the failure to assess properly the local environmental impacts of Mitsui's proposed Bald Hills wind farm, and the questionable wisdom of selling Cubbie Station into overseas control, I would like to spend the next 10 minutes reflecting on environmental matters and governance.

Like many other people, when I heard that the contract for closure negotiations with Latrobe Valley's brown coal generators had failed I wondered: how are we going to achieve emissions reduction in these most highly polluting parts of our energy industries? What happens next? Is that it? I also had reason to reflect again on how terribly important our energy generation sector is—so important that it should be in public ownership and under public control. When the Victorian coalition government enthusiastically sold off Victoria's energy industry during the 1990s, they did not care
about the environmental and social consequences or the governance implications of that policy. The SEC was well advanced in its planning to reduce greenhouse emissions. All of that was put in the bin by privatisation.

Today, instead of an orderly, planned approach to emissions reduction in energy generation, we have disorderly, even chaotic, attempts by the federal government as it struggles to manage the legacy of past policy failures. This sense of disorderly and chaotic governance is not helped by the federal government's continued support for full energy sector privatisation in New South Wales and Queensland, as promoted in the energy white paper.

It does not add up. Why continue to promote policies that have totally failed environmentally, financially and socially? Why continue to pursue privatisation policies that blatantly ignore the environmental dimension of energy generation? It makes about as much sense as allowing one of Australia's leading coal exporters to build a large, damaging wind farm in the midst of a sanctuary for migratory shorebirds located at Bald Hills. It makes about as much sense as allowing overseas interests to purchase one of Australia's largest rural properties that also happens to be of critical strategic importance to the health of the Murray-Darling Basin.

We can overcome this disconnected and uncoordinated policy by consciously setting out to do the opposite—that is, to commit to long-term policy settings that seek to integrate environment, society and economy in a deliberate, planned way. To do this, all political parties need to commit to the goal of integrated, strategic policy development and implementation. All political parties need to become environmentally conscious and proudly so. Collectively, we need to stop the knee-jerk reactive stuff that promotes political opportunism and divisions over environmental protection and social good. All political parties need to commit to the process and outcomes of good science, and evidence based policy development. We need to hunt out the connections in our quest for an integrated approach. Those connections must be personal and political as well as scientific and environmental.

Some of my fellow senators may be surprised to hear that today I wrote to my fellow Greens senator, Senator Lee Rhiannon, seeking her personal support to help protect the migratory shorebirds of Bald Hills and South Gippsland region. Senator Rhiannon is an enthusiastic bird observer and member of the Hunter Bird Observers Club. I know she would have been interested to learn that the Hunter and Bald Hills regions share some 39 common migratory species. For the last few years, we have learned about the remarkable migration route of the Ruddy Turnstone, a small bird that flies some 27,000 kilometres between Siberia and Australia every year. The tracking of these birds has shown that Bald Hills and the Hunter region share individual birds in common, birds that visit both places in their yearly pattern of migration. So when I ask Senator Rhiannon to join me in opposing the proposed Bald Hills wind farm, I reach across the political divide and make the connection as a fellow senator who values the safety, beauty and wonder of these remarkable creatures.

I have learned more about migratory shorebirds because of the conservationists, environmentalists and naturalists in that part of South Gippsland. They have engaged in grassroots scientific research for many years about their region. They value good science and so should we all. Good science should not be exploited and undermined by political opportunism.
I oppose our oceans being raped and pillaged. I support good fisheries management based on good science. I support proper funding and resourcing of that science and peer review amongst scientists of their research outcomes. Late this afternoon I learned that the science of fisheries management and super trawler impacts are going to be improved by further research. While I believed that the existing science was a sound enough basis for allowing the super trawler to fish our seas and was concerned about the possibility of an emotionally based reaction overriding rational debate, the outcome is a good one. We have committed to learning more and improving further our knowledge about fisheries management, and that can only be a good thing.

Every political party and every person in this parliament has a moral responsibility to support policy that reduces our environmental footprint on the planet. We have to be big enough to overcome the base motive of political opportunism and big enough, too, to change our minds publicly. Are other senators in this place able and willing to do that? There are some testings examples on the table before us right now. I hope that every one of us is brave, wise and strong enough to reach out, connect with the issues and make good decisions that are the right decisions for now and into the future. Thank you.

Defence Procurement

Senator FAWCETT (South Australia) (19:40): I rise tonight to address the Senate Foreign Affairs, Defence and Trade References Committee report into defence procurement, which I had the pleasure and privilege of being involved with. The report was 18 months in the making; I was involved since July last year. The first thing I would like to say is that one of the very strong themes that came through from witnesses across academia, defence, industry and various think tanks was that people recognise that those who are participating in defence and defence industry are working hard to achieve the very best possible outcomes they can for Australia's national security.

Defence personnel are rightly proud of the work they are doing and the improvements they are making within the process that they are constrained to use. Not only did industry participants highlight their concern to remain profitable, which at the end of the day is part of what they need to do, but also, importantly, they highlighted the fact that one of their high priorities is to make tangible improvements in the capabilities used by Australia's service men and women. I just want to put on record the fact that, whilst the committee's report and my additional comments highlight a range of areas where improvements can be made, I recognise that people who are working in that system are working with integrity, with best intent, within the constraints that they have.

The issue I have is that defence procurement does not occur in isolation. Most reports that have looked at defence procurement and most reforms that have been implemented by governments of both persuasions have tended to focus on the procurement aspect, whether that be the services or the Defence Acquisition Organisation, now the Defence Materiel Organisation. Defence is a system and, just as systems engineering requires that you look at each of the subcomponents and their interactions with each other, many of which will have second- and third-order interactions, it is important that if we are going to look at Defence and making Defence a more effective organisation then we have to look at it as a whole system. We have to look at the actions and interface of
all of the stakeholders, which includes executive government. Too many reviews that have occurred over the years tend to look at the department, and fingers are pointed at the department from all levels—from outside, from the media, from government, from opposition—and they blame the department. There is a raft of areas where the department can improve, but they are only part of the system and executive government and the interface with executive government of either persuasion is an important element in determining the effectiveness of our defence capability.

The aim of the additional comments that I have written to the report and that I seek to address very briefly tonight is to look at what a systems approach to the reform of defence procurement may be like. These comments are designed to stimulate a debate at a level that moves well beyond the kind of very specific actions that have been recommended in the past. Some people say that we should recreate FDA—Force Development and Analysis—and others argue that we should separate DMO. A whole raft of individual things have been suggested and they may or may not have merit, but the important thing is to look at it as a whole system and understand what changes need to be made to the whole. It is also important to understand what the intended outcomes were when the existing organisational structures and approaches to procurement from the various reforms were put in place. To what extent have these outcomes been achieved and to what extent have these previous outcomes contributed to unintended consequences that mean that the effectiveness, efficiency or cost savings that were desired by government in the past have not been achieved? How, whilst taking action to try to address some of those unintended consequences, can we avoid either going back to the past or throwing out the baby with the bathwater and losing the developments that have happened?

I have four key areas of concern that I believe the report could have addressed more thoroughly in their scope and depth. This goes to this concept of the whole system. Those four areas are: governance, strategy, sovereignty and industry. I will quickly run through those tonight and I will use other opportunities to talk in some more detail. For anyone listening to this debate, they can get the full details online of both the report and additional comments.

The governance of the Australian Defence organisation is dysfunctional, and by that I am talking not just about the Defence department but also about its relationship with government. There are many people who have said that Defence should be run more like a business. There are not too many publicly listed businesses that I can see that would run in the same manner that the Defence Force is. Essentially, the minister should be providing the role of the chair of a board in terms of setting strategic direction and holding people to account. You would not find a publicly listed company where there is a degree of separation between the chair of the board and the CEO running the company. Normally you would find a framework—and it is a board construct, generally—where they are far more engaged and have a deeper understanding of the issues, whether they be internal environment issues or external issues that the CEO is dealing with. They would have much more engagement in the ongoing governance processes of the organisation to ensure compliance with appropriate regulations.

Currently, due to the policy of 'one voice to government', the minister is almost isolated and does not have the degree of trust in or insight into the department to make timely decisions in response to changing
circumstances. The two decades of government initiated measures at reducing costs, which have been well documented by Kinnaird, Mortimer, Black, Rizzo and Coles, highlight that the department now struggles to provide that timely information to the minister. The inefficiency here is significant. In particular, as we enter a period where resources that have been directed at Defence are severely constrained, it is vital that we address these inefficiencies at that very top level of governance for Defence.

The strategic view of Australia's national interest should look at Defence primarily through the prism of what we want it to be able to do and not just a list of equipment we think it will have. Currently, the Defence white paper appears to provide a whole range of options; it is almost a wish list. The Defence capability group have come back to government and put up cases at the first and second passes hoping they might be approved. But what we have seen is that changes can be made due to budget considerations, government decisions and deferrals that do not reflect the strategic guidance that may have driven the white paper in the first place. There needs to be a more closed feedback loop so that, before the white paper and the Defence Capability Plan are issued, the government understands in far greater detail and owns the level of capability that it needs to generate the effects it wants from its military to support its foreign policy and its national security policy, and then plans to afford that. If trade-offs need to be made they need to be made before the issue of the white paper and before the Defence Capability Plan is issued.

Both Defence and the capability managers, who have to do the raise, train and sustain function, who need to be providing personnel and who need to be providing the ability for new equipment to come into service, rely to a certain extent on the big picture planning of a DCP to start doing some of those functions. Industries certainly rely on that in terms of the kind of investments that they make in people and infrastructure, and while the DCP is such a variable document industry cannot use it to effectively invest in their capability.

Sovereignty is about the ability to choose a course of action as a nation. It does not mean we should seek to be a superpower where we design, make and support everything we need for Defence. It also means that we cannot afford to be a Third World nation with no choice but to accept what someone else will give us without understanding the level of capability or risk that may be tied up with that. We need to be able to choose where we sit along that spectrum, to be the smart customer. That means that we need to purposely develop the ability to assess and, where necessary, modify or repair and certify equipment.

I have more to say about industry and more to say about principles on this topic, but for those interested in the defence of our nation, and making it affordable and effective, I commend to you the committee's report on Defence procurement.

**Education**

**Senator WRIGHT** (South Australia) (19:50): Again, I rise to speak to the topic of education and why I believe it is crucial that we implement the needs based funding model recommended in the Gonski review to ensure that every child in Australia has the opportunity to access a quality education.

People from around Australia have been writing to me about why Gonski is important, and of their own experiences of schooling in Australia. Here are some words from Fiona in Western Australia:

I live in a small town in the south west of Western Australia. I have three children, two of
whom are school age, the third is awaiting her big chance.
The school they attend is a district high with less than 100 students from Kindergarten to Year 10.
It is staffed by fantastic teachers—professional and enthusiastic.
I am concerned that with insufficient federal funding support our school will suffer loss of resources.
We are small, but we are not insignificant. In the lives of our children and in the lives of those in our community the school is mighty significant.
In fact there is talk of somehow making it possible for students to attend Year 11 and 12 through the school here instead of kids having to commute two hours a day to the nearest regional high school. I am very much in favour of the Gonski report and would like to see the recommendations tabled in that review put into practice. I'm sure our school and our students would benefit.

I recently saw for myself two Sydney schools that demonstrate both the challenges and the potential for public education if it is to offer every child that wonderful thing: the chance to reach for the stars and achieve their best.

Chifley College Bidwill Campus, located in Mount Druitt, is about an hour and a half to the west of the CBD. It has 600 students from diverse cultural backgrounds, including 30 per cent Pacific Islander and 10 per cent Aboriginal students. For many English is not their first language and a proportion of the young people have learning difficulties and other complex social needs. I met the principal, Mark Burnard, the President of the P&C, Vicky Sultana, and members of the school’s highly active and effective community liaison team, including Micky, who does outreach with the Pacific Islander community; Rebekah, a youth worker who is studying social work; and Wendy, a former nurse who brings to her community outreach work all the wisdom and warmth she developed in her former career. Together with many other committed staff at the school they are creating a culture of inclusion and welcome for the students and their families, which helps to prepare them for the experience of sitting in a classroom to learn.

The famous Bidwill Blokes’ Big Breakfast, held at the school to coincide with Fathers Day, is a case in point. The students are invited to bring along their father or another special male, and over five years it has become an important community event, involving the police, sports clubs, fire brigade, local business identities—basically, blokes displaying their skills, cooking the barbecue and generally celebrating the school and the community. Every year it gets bigger, from six school fathers at first to 50 this year. Is this education? The research is clear that kids learn best if their families are connected with their school, so forging links and welcoming families, especially those who may not have had positive experiences with school, is especially vital.

Many strategies are apparent at Bidwill Campus and they are achieving results. Through the Reading to Learn program, subject teachers are trained to incorporate literacy throughout their curriculum. Eighty per cent of the teachers have now done the requisite eight-days training and there have been noticeable improvements, greater than the state average, in year 9, particularly in writing. It does, however, take significant resources to free teachers up for that amount of time per year. They have introduced a year 7 pilot program so that students have a regular home teacher and a team teacher for two subjects, who will get to know them as a whole person. It helps with the transition from primary school and it is working well, but it is relatively resource intensive and the funds may not be available to support it next year.
The Planning Room—for disruptive students—provides an alternative to suspension. By employing skilled teachers and having a consistent approach to addressing students' learning needs rather than just focusing on behaviour, the number of negative referrals of once-regular attendees has dropped by more than 50 per cent. The number of students completing year 12, the number transitioning to TAFE and university and the number thus coming back to visit their old school and be positive role models for what the students can achieve is increasing.

The team I met at Chifley Senior College love working at their school, offering their students the best chances at life. Mark Burnard was eloquent about the need to invest in public schools so that every one of his students has the chance to contribute to their community. But he also emphasised that there are no shortcuts to quality education.

The running of the breakfast club and the salaries for the community liaison team are all additional to the costs we might traditionally associate with teaching, and their funding is often subject to uncertainty as time-limited programs come to an end with no guarantee they will be continued. It is resources for programs like this that the Gonski review has identified as being crucial for those public schools that are educating the lion's share of students with high needs.

Another public school achieving great things in challenging circumstances is Punchbowl Boys High School, set in a multicultural Sydney suburb where, again, most of the residents are on very low incomes. Over eight years, the principal, Jihad Dib, has nurtured a change in the school culture that is a testament to his energy, vision and overriding concern and respect for his students and their families. Assisted by talented teachers he has cultivated a tangible 'Punchbowl family', which offers the students a sense of belonging and value and encourages loyalty, pride in themselves and pride in their school. Their annual community dinner was recently attended by around 500 parents, teachers and friends of the school. The Punchbowl family has become a big family. Senior students strive to become school leaders, the school has achieved exceptional improvements in scholastic performance, and increasing numbers of boys are entering and achieving high standards in extracurricular competitions. Overall, the students' aspirations are rising and this is being met by their achievements as they increasingly finish year 12 and go on to further study.

During my visit I heard tell of teacher dedication above and beyond: running the breakfast club, the fitness club, free homework and tutoring classes and computer classes for parents. Seven teachers have painted their own classrooms. This is a school where the total fees collected from all parents this year are about $9,000. Yet Jihad has a policy that no child will be excluded from a subject because they cannot pay the course material fees. Somehow he manages to pull this off. And despite their own financial strictures he also encourages the boys to think of others less fortunate than themselves. The school regularly donates to a program for feeding the homeless and sponsors a child in Africa.

So what would needs-based funding and an injection of serious money into Australian public education deliver to Punchbowl Boys High School? More resources would mean more teachers to support those who give of their own time outside school hours for marking or lesson planning during the working week. More funding would also translate into much-needed maintenance on the ageing school infrastructure and assist
poorer students to participate fully in the life of the school, with spare uniforms on hand for those whose chaotic family lives mean sometimes they may not get to school in uniform, and bike helmets to lend to the boys in the bike maintenance program so they can ride the bikes they have mended.

Resourcefulness is a matter of pride to Jihad Dib, but it does not mask the fact that needs based funding based on the Gonski model would surely see a significant investment of extra dollars into a fine school which wishes to offer its students the consistency and stability that, for many, are missing in their daily lives. Secure, predictable, adequate funding will enable every student at Punchbowl or the Bidwill Campus of Chifley College or the 6,800 public schools around Australia to get a quality education and have a chance to achieve their best.

Living in Between: Diversity Education through Storytelling Project

Senator BILYK (Tasmania) (20:00): Tonight I rise to speak about the Living in Between: Diversity Education through Storytelling project. This is a project of the Tasmanian Centre for Global Learning in partnership with Hobart College Students Against Racism, the Tasmanian Polytechnic and the Alcorso Foundation. I am a very strong supporter of the Tasmanian Centre for Global Learning, and Hobart College is the college that I attended.

The Hobart College group Students Against Racism has 35 members, most of whom have come to Tasmania as humanitarian entrants from countries as diverse as Sudan, Afghanistan and Bhutan. They share music, food and stories about their new lives in Australia, the positives and negatives, the pains and the pleasures. Students Against Racism was formed in 2008 by Hobart College teacher Gini Ennals. Gini has worked with students to develop a presentation that explains why they left their homelands, the journey that brought them to Australia and the lives they are leading now. This group wanted to take a proactive approach to racism. They felt that the racism they encountered was the result of lack of understanding about why asylum seekers, refugees and migrants were coming to Australia.

Living in Between has developed a series of workshops for school groups that involve performances and activities. The program encourages students to engage with issues of culture and diversity. Many students who have experienced some sort of discrimination and felt like outsiders find that they can empathise with the stories of the college students. In 2009 the group won the Tasmanian Human Rights School Award for reaching out to build understanding of people from different cultures. The award was the beginning of the group's partnership with the Tasmanian Centre for Global Learning, TCGL, which created the award. The TCGL works extensively with schools on improving human rights and social justice education. The group also won an Amnesty human rights innovation grant that has allowed them to commission a short documentary about the group and their groundbreaking work. It was a great pleasure for me to be asked in April this year to launch the DVD, which I did at Huonville High School in the south of Tasmania.

The program for Living in Between: Diversity Education through Storytelling was trialled in southern Tasmania during 2011 at a number of schools, including Cygnet Primary School, Huonville High School, Kingston High School, Cosgrove High School and St Aloysius Catholic College. The 2011 development of the program and trials was funded by the Tasmanian
Community Fund and the Sidney Myer Fund. This year the program has received funding from the Australian government's Department of Immigration and Citizenship through the Diversity and Social Cohesion Program.

The Australian government is committed to addressing issues of cultural, racial and religious intolerance by promoting respect, fairness, inclusion and a sense of belonging for everyone. We believe that strong social cohesion is best developed by projects that bring all Australians together and, in particular, create connections across the community. That is exactly what this program does. The government funding will allow the program to be run at a further four schools and will also provide for the creation of a post-school group, which will be of Students Against Racism alumni. These students will be available to provide one-hour presentations to schools and other organisations.

While most members of the group arrived in Australia as humanitarian entrants, some other students have joined the group because they have a desire to do something about the racism and discrimination that they have witnessed. The college students made three 90-minute visits to each of the participating schools. All sessions were facilitated by English as an additional language teacher and Students Against Racism coordinator Gini Ennals. A key aspect of the visits was the creation of small groups comprising a humanitarian entrant college student as the group leader with two or three school students. These groups worked together over the course of the visits to provide the opportunity for building closer relationships.

Activities and discussions undertaken by the groups over the three visits covered all aspects of the refugee experience. They examined culture, including how it is defined, and ancestry. As well, they looked at how certain aspects of culture such as language, religion and music are shared. Participants also looked at different stages of the journey from the homeland: why people had to leave their homeland, leaving it, the travel, the arrival, the 'living in between', when migrants are learning about Australian culture but have not yet become comfortable with it, and their experiences now. With time, the new culture becomes more familiar and they embrace it while still observing the culture of their birthplace.

The host school participants had the opportunity to get to know a refugee personally as well as to examine issues such as the value of possessions and the experience of dispossession. In addition, they had the opportunity to discuss international migration and the reasons people are forced to leave their homelands. Students also explored the differences between the definitions of refugees, migrants and asylum seekers and the concept of boat people, as well as the refugee process. There was also discussion of Australia's international responsibilities under United Nations conventions. Students explored the needs of new arrivals and the challenges they face while settling into a new country. Racism was discussed, including comparing racism with other forms of discrimination and looking at how racism can be confronted both by individuals and collectively.

Students have responded to the program in a number of ways, including through art and writing poetry and essays as well as making videos. Students at Kingston High School, which is very close to my office, baked a 'We Can Make a Difference' cake, complete with a green-and-blue icing map of the world. The program has received extensive positive feedback from both students and teachers. I would like to take this time to share some of the feedback from teachers.
and students involved in the program. One teacher from Huonville High School said, ‘Without doubt the students made some extraordinary progress towards becoming far more knowledgeable, tolerant, understanding and compassionate as a result of their participation in the Living in Between project.' When asked what they had learnt from the program, one of the students from Cosgrove High School said, 'I got a better understanding of racism and how awful it is. To respect everyone and treat them equally. I learnt that people from other countries are more like me than what I thought they were.' A student from Kingston Primary School said they learnt not to be racist and that it does not matter what you look like, it is what is on the inside that counts. I would also like to share some comments from one of the humanitarian entrant students about their involvement in the program. When asked if they thought the program had been effective in educating Tasmanians about the experiences of refugees, she said, ‘Yes, because it helps them to build understanding. The comments and feedback show that it makes people here realise that they take things for granted, like education, which was difficult in the refugee camp.' I think those comments provide a good summary of what this program can achieve and why it is important for students to participate. Our youth are our future and we need to give them the skills and understanding to lead respectful, tolerant lives and pass those values on to future generations.

In closing, I would like to heartily congratulate everyone involved in the Living in Between: Diversity Education through Storytelling program. It is a strong partnership between the Tasmanian Centre for Global Learning, Hobart College and the Alcorso Foundation. They are doing a wonderful job in providing this resource to the schools involved and I thank them all most sincerely for that. I would also like to thank the schools that are involved for taking on this program with such enthusiasm. Many of the students and teachers have spoken to me personally about being involved in this and, as I have already alluded to with some of the quotes from people, how much of a difference it has made to them. Last but not least, I would like to thank the many, many supporters of the Tasmanian Centre for Global Learning. A number of politicians from all levels of government support this organisation. It is very important that organisations like this have the support of politicians and the broader community and that people get to hear about some of the amazing things they are doing to help make life easier for a number of people that have come to Australia.

R U OK? Day

Senator HUMPHRIES (Australian Capital Territory) (20:10): I rise to talk about a particular illness that afflicts many Australians. I am aware that senators and members are frequently asked to be advocates for particular illnesses and conditions; barely a week goes by in this place when we do not festoon ourselves with ribbons or buttons dedicating our support for some particular program or another dealing with an illness. But I want to advocate for senators in this place to be interested in this particular illness not because it needs another ribbon or badge to be worn around the building but because the treatment, and even the cure, for this illness depends upon our level of engagement as members of our society; indeed, the level of engagement of all Australians will govern and regulate the extent to which we beat this illness. I am talking, of course, about mental illness.

At its most extreme, mental illness manifests itself in very harmful ways. There are something like 2,200 suicides each year...
in Australia—and, as the recent community affairs committee report on suicide indicated, that is probably a serious underestimation. Men are around three times more likely than females to die by suicide. For each person who takes their own life, another 30 people attempt to end their own life. Suicide is the leading cause of death for people in the 15 to 24 years age group, with 23.3 per cent of deaths in that age group being from suicide—more than car accidents, drugs, poisoning or cancer. An alarming 49 per cent of all teenagers have thought about suicide at some time. Depression is an illness which afflicts one in five Australians personally over the course of their lives—one in four females and one in six males.

I raise this matter because on Thursday this week we will mark in this place National R U OK? Day. This day was inspired—if inspired is the right word—by the death back in 1995 of a very successful business management consultant by the name of Barry Larkin. He was a man who appeared to be on top of the world, successful, going places—and suddenly he was no longer there. His son, Gavin Larkin, partnered with a television producer, Janina Nearn, in 2008 to develop a campaign to remind Australians that responsibility for preventing these sorts of tragic losses of life does fall to some extent to the people around those who are affected by depression or other forms of mental illness.

If I contract cancer, heart disease, diabetes or a disease of that kind—which I hope I do not and no-one here does—the course of that illness is a matter between me and my medical advisers. But if I contract a mental illness the course of my treatment and care depends very much on the people around me. I may not be able to self-diagnose or seek support or treatment from my medical advisers. I will need support to be able to cope with the illness. And, particularly if I am affected by the illness in such a way as to leave me in a state of depression, I will need the support of people around me to make sure that I am looking after myself and am not bedevilled by what Winston Churchill called ‘the Black Dog’. That kind of intervention by people around me is very important. So we all have a responsibility to each other. Suicide inspired by depression or mental illness is not a disease or a condition which is exclusive to people who might be regarded as loners or people on the fringes of our society. Suicide and attempted suicide has affected even members of this parliament. Anybody might be subject to depression and therefore we all have a responsibility to keep an eye out for people who might be affected by it.

Next Thursday—Thursday of this week—is, as I said, national R U OK? Day. The first R U OK? Day was launched by the then Australian health minister, Nicola Roxon, in 2009, and after only three years it has become a widely recognised occasion for Australians to think about the way in which they can actively assist those around them who are affected by depression and mental illness.

There are a lot of organisations which people can turn to today for assistance in all sorts of situations where this problem arises. The R U OK? program, for example, builds on research and clinical expertise to provide people with the skills they need to deal with stress in the workplace, particularly employers: how to identify it, how to cope with it and how to offer support. Lifeline is an organisation well known, I am sure, to every member of this place for the sterling support they offer on a 24-hour basis through professional counselling to people who need support. It is impossible to measure the number of lives which that organisation has saved over many years.
The Black Dog Institute has developed the Black Dog Index, which aims to calculate our level of happiness and to put a tally on how many of us are living with depression. ReachOut is an online youth mental health service which provides young Australians with information, support and motivation to get through the really tough times. SANE Australia conducts innovative programs and campaigns to help improve the lives of people living with a mental illness. It has worked closely, in particular, with the Parliamentary Friends of Mental Illness, of which Amanda Rishworth is, with me, the co-convenor.

Headspace, of course, is a very important organisation, focusing particularly on youth mental illness. It has made enormous strides in connecting with people who are vulnerable in that age group. And, of course, beyondblue provides a measure of national leadership and focus on preventing depression and getting people to talk about these issues.

If we see a colleague hobble into the workplace with a leg in a cast we want to know what happened. How did he break his leg? What can we do to help? Does he need help getting lunch, or whatever it might be. If we hear of a colleague who is depressed, who is stressed and who has isolated themselves from the rest of their workmates or whatever, we will as often as not avoid that person and not try to engage with that person—steer clear of them as if it is best not to talk to them about what is affecting them when, in fact, precisely the opposite may be what they need to get around that problem. So we need to accept a sense of collective responsibility here, and national R U OK? Day helps us to do that.

Personally, I am very proud that there are plans on the horizon to do other things to assist Australians to cope with the enormous burden of mental illness. And when I say 'enormous', it has been calculated that mental disorders and suicide account for 14.2 per cent of Australia's total health burden. That is the equivalent of 374,541 years—years—of healthy life lost to the nation. Annually it is a cost of $14.9 billion, leading to more than six million working days lost each year. So it is a productivity issue as well as a health issue.

As I have said, we can advocate and support, in an in-principle sense, action on tackling other health problems that afflict the nation, but we can take a personal responsibility for improving the level of mental health of those people who we live and work with. National R U OK? Day is such an opportunity this week and I urge members and senators to get involved in it, to make sure that it is a success in transmitting that message about our collective responsibility to each other to make sure that mental illness is minimised.

London Paralympic Games

Senator FAULKNER (New South Wales) (20:19): The ninth of September marked the end of the 2012 London Paralympics. For the record, Australia finished fifth on the medal tally with 32 gold, 23 silver and 30 bronze. It was a memorable result.

This year's games were the 14th summer Paralympics. The Paralympic movement owes much to the vision of one remarkable man: Sir Ludwig Guttmann. A talented neurosurgeon, Guttmann's Jewish heritage meant that he was forced to flee Nazi Germany in 1939. He resettled in England, where in 1943 he was asked to establish the National Spinal Injuries Centre at Stoke Mandeville Hospital. His dedication to this work began when as a teenage hospital orderly he watched on helplessly as a paralysed coalminer eventually died of...
sepsis. At the time, the prognosis for patients with spinal injuries was poor—very poor. Most died within months; but, of those few who survived, most were institutionalised for life.

At Stoke Mandeville, Guttmann and his dedicated staff revolutionised care for patients with spinal injuries. They introduced rehabilitation methods, such as regular turning of patients and decreased use of sedatives, to convert what was once an 80 per cent mortality rate into an 80 per cent survival rate. Importantly, Guttmann introduced sport as a means of promoting physical and psychological health—a measure designed to promote patients' fitness, their sense of purpose and their dignity. Convinced of the benefits of sport to his patients and the wider community, Guttmann organised the first Stoke Mandeville Games on 29 July 1948. The event, which consisted of a series of archery events for ex-service men and women, was held on the same day as the opening of the 1948 London Olympics. It would prove to be an auspicious and audacious date, because from these humble beginnings the Paralympic movement was born—a movement with the vision to enable Paralympic athletes to achieve sporting excellence and inspire and excite the world.

I think there was much about this year's Paralympics that was both exciting and inspirational. Tonight, of course, I cannot give a full account of all the wonderful performances at this year's games, but I would like to mention just three outstanding Australian athletes this evening. The first, Kieran Modra, won a track cycling gold in the 4,000-metre pursuit. Kieran's performance is astonishing given that in December last year he was involved in a serious training accident that left him hospitalised with fractured vertebrae in his neck and lower spine. Kieran, a veteran of six Paralympics, overcame these injuries to not only compete in but excel at this year's games.

The second athlete, swimmer Jacqueline Freney, dominated the pool in London. Her eight gold medals equalled the feats of Michael Phelps at Beijing and made her the most successful athlete at this year's games. Freney outswam the field in events ranging in length from 50 metres to 400 metres, and across the disciplines of freestyle, backstroke, butterfly and the medley. Her anchor leg of the four by 100 metres women's medley, where she gave her Russian competitor a half-pool-length start, was an absolutely heroic effort.

Finally tonight, I want to mention Matthew Cowdrey, who took home seven medals from this year's games to become Australia's most successful Paralympian of all time. Cowdrey has won an astonishing 13 gold medals in the pool at three Paralympics. His five gold medals at this year's games equalled his record haul in Beijing in 2008.

I am sure many, many Australians and many in this parliament believe that the achievements of our Paralympians are remarkable, but their efforts really focus attention on how we perceive and value people with disabilities in Australian society. The name 'Paralympics' was first used officially at the 1960 summer games in Rome. It derives from the Greek preposition 'para', meaning beside or alongside. As the origins of the games' name suggest, we should value the achievements of our Paralympic team alongside those of the Olympic team. The performance of these athletes, their dedication, their perseverance and their skill demand not our patronage but our respect. The efforts of these athletes demand that we judge them not by their disabilities but for their astounding abilities in the pool, on the track, in the stadium, in
the velodrome or on the court. Likewise, they challenge us more broadly to value people with disabilities for the abilities they have—for their capacities and for the contribution that they can and do make. That is why we must continue to work on lowering the barriers that impede the full participation and the full citizenship of people with disabilities in all spheres of Australian society.

Perks, Ms Carol

Senator MOORE (Queensland) (20:27): Thank you, Senator Faulkner. I really enjoyed that, and I think it is one of those things that are the kind of expression we all feel at the moment, at the end of the games. It was great to hear that.

In 1996 a woman called Carol Perks, a nurse from Melbourne, was appointed a Member of the Order of Australia in recognition of her service to the health and welfare of people in remote areas of Laos as an adviser with the Save the Children fund. She is another remarkable Australian woman doing exceptional things in another country. Last week in Laos I had the pleasure of meeting Carol Perks, who generously gave up her time to talk to the delegation that was travelling in that area and to show us that she is a remarkable woman and is making a real difference.

Carol is a nurse and midwife who, 21½ years ago, decided to answer an advertisement for a two-year placement in Laos. She did not speak the language. She did not know a lot about the job, but she thought it would be a good thing to do. Previously she had worked in a range of jobs in her profession, and you always find midwives working in amazing jobs. She decided it was worth a shot, and she went to Laos. Now, over 20 years later, she has established a number of hospitals and midwife centres, has developed codes of practice in that region and has made a real difference for women and children in the country.

The Lao People's Democratic Republic is classified by the World Bank as a low-income country under stress. In Laos 40 per cent of the population live below the poverty line and half the population are young people and children. The infant mortality rate is terrifying. The World Health Organization puts the figure in Laos at 70 infant deaths for every 1,000 babies born. Here in Australia, the current figure is about eight deaths for every 1,000 live births. It is a different world. Carol Perks has decided that every woman and every child deserves to have a healthy start to their lives, and that is what she is doing. In her country the predominant causes of death among women and children are malaria, diarrhoea, acute respiratory infection, measles, perinatal conditions and complications of pregnancy and childbirth. All these conditions are made worse by real levels of malnutrition which are caused by extreme poverty. All those conditions here have access to strong medical help, and what we found in Laos was a woman working with local conditions to ensure that she could bring her skills to bear to work with the community.

Carol talked to us about standards of education that were so low in an area where superstition still has a high level of interest in the community. She has said on record that she does not believe in miracles. She knows that, if you want to stop babies becoming sick and dying in remote villages, you put your faith in science and pragmatism, not superstition. You set up a primary healthcare program and teach local midwives to do away with traditional birthing methods and to work with the local community. In her time she has set up more than seven hospitals, and we had the real pleasure of meeting with her at one of these
hospitals and seeing the work she does with trained personnel in the hospitals and also the genuine pleasure and affection the local people have for her. The laughter of the small children and the genuine affection of the women who were waiting there to have their checks reflect the work that this woman has done.

It is important that we understand that the work requires support from here, and it is very much important that Carol now works with the Save the Children fund. We all know Save the Children. It is such a well-established NGO. She has been working there in that time, and Save the Children has been working with kids for almost 90 years. Its credo is to 'protect children's lives and strive to give all children a safe and happy childhood'. In the Save the Children program in Laos Carol works now across a number of regions, but we worked with her in Luang Prabang, a beautiful part of the world. In that area she is now able to ensure that women have the chance to be trained as midwives to operate within their own communities, to have practical things like clinics and simple things like birthing kits, and to address the awful problems of malaria and dengue fever, ensuring that there are mosquito nets and control of the insects in the local areas—things that we take for granted but things that Carol Perks knows will make the difference.

She said that when she arrived it couldn't have been any worse. For people here education standards were so poor that they thought contraception amounted to eating elephant placenta—not a common method in the suburbs of Melbourne but one that we found is still talked about in the regions of Laos. That gives you an idea of the gap in knowledge. But what we have found is that the local community and the government value the work that is being done. Laos has set itself a very strong program to meet the Millennium Development Goals, and it is moving forward. I think we can see at work locally that commitment to achieving a better world particularly for women and kids, because they know that, if they can have strong, healthy children, there is a real future for the community.

We visited with Carol a couple of the schools that our AusAID program has been funding, and we saw then the amazing commitment that the local community had to ensuring that their children had appropriate education. I think some of them were a bit astounded to see five Australians turn up to their school, particularly as it was not a school day, and they had turned out to show us with pride the schools that they had built locally with AusAID support. There is nothing that makes you prouder of the work that our AusAID people do and the way that the Australian community gets involved than seeing the way that communities can change lives and the joy of the children showing us their classrooms. We hope that, through the work that Australians continue to do through the education programs, the work with Save the Children and women like Carol Perks, we will continue to have a strong relationship with the country Laos and see that there will be a better future.

When I spoke with Carol about how she feels about the work she is doing, she says: 'This makes a difference. The people want to change and improve their lives. They really embrace it.' She knows that her work is valuable, and she says, 'When things are low, the only way is up.' I think it is an important thing for us here to hear the stories of people like Carol Perks. In Laos in the region where she is working, they know, respect and value her. I think it is most important that we hear these stories here in Australia because not only does she deserve our respect; I think her work gives us true inspiration. By our efforts we can be better partners in an international world.
She has her plan—the Perks Plan—for how a small regional hospital should look. When we were at the hospital that she showed us—one of the seven that she has been involved in constructing and planning—she was able to show us how Australian support was making a difference. I think that is the kind of thing that our AusAID program should be doing more of. I think that we should have that relationship.

I truly want to congratulate Carol Perks. Her time in Laos is not over. That two-year placement is now 21 years on. I think that, if we have the pleasure and honour of going back in the future, we will see her again and see that there will be more than seven hospitals: there will be the impact of the work continuing. I sat down at that hospital with some fairly young twins—I think they were about six months old. They had been born in the local hospital and were being cuddled and loved by the community of women professionals who were there doing their jobs but who took that time out to meet the babies and to be with them. That gives us hope, and that is why I want to have in some way the opportunity to say thank you to Carol and to give her our best wishes for her ongoing work.

**World Suicide Prevention Day**

**Senator FIERRAVANTI-WELLS** (New South Wales) (20:37): I seek leave to speak for 20 minutes.

Leave granted.

**Senator FIERRAVANTI-WELLS**: I rise to speak on World Suicide Prevention Day, which was yesterday. World Suicide Prevention Day has become a very important day in our calendar. It is now held every year on 10 September around the world. After its successful launch in 2003, this day has seen numerous events, conferences and a whole range of other activities undertaken to call to public attention one of the world's largest causes of premature and unnecessary death. The International Association for Suicide Prevention, in collaboration with the World Health Organization, calls on governments, agencies, NGOs and a whole range of other organisations to be involved in organising activities. On World Suicide Prevention Day, the coalition encouraged everyone in the community to light a candle near a window at 8 pm in support of World Suicide Prevention Day. It is said that the lighting of a candle is a token to remember a loved one who may have taken their own life and also to generally show support for suicide prevention.

The latest figures from the World Health Organization indicate that on average one million people across the globe end their own lives—in other words, one person ends their life every 40 seconds. Whilst it is one of the leading causes of death worldwide, in Australia it is ranked 15th in the overall causes of death. So World Suicide Prevention Day is about increasing awareness of the problem of suicide, and this year's theme was 'Suicide prevention across the globe: strengthening protective factors and instilling hope.' Sharing ideas, talking and listening can do a great deal in reducing suicide rates and suicidal behaviour.

Let us look a little more closely at some of the statistics for Australia. Many things lead to a person having suicidal thoughts and then going on to commit suicide. It can be relationship problems, money worries, drug abuse, bullying, self-esteem, gambling, childhood abuse, alcohol abuse, genetic factors or worrying excessively. All together these things form a spiral to despair. In the 2007 National Survey of Mental Health and Wellbeing there were some absolutely staggering figures. Over a lifetime, 13.3 per cent of our population have ideas of suicide—that is 483,000 people. Four per cent develop suicidal plans, and another 3.2
per cent actually attempt suicide. This means that 126,000 people develop suicidal plans, 84,000 attempt suicide, yet we have completed suicides of 2,200.

We know that suicide is the leading cause of death for 15- to 24-year-olds. Indeed, yesterday, on World Suicide Prevention Day, headspace put out a very interesting publication in which it put suicide at 23.3 per cent, above car accidents at 14 per cent, drugs and poisoning at 4.2 per cent, motorcycle accidents at 4.2 per cent, pedestrian accidents at 2.9 per cent and cancer at 2.4 per cent. Yesterday we also saw some very interesting articles not only in the press but also on *Four Corners*. Professor McGorry, writing in the *Melbourne Age* yesterday, talked about the culture of shame and secrecy surrounding suicide which is preventing more young lives from being saved. The article is headed 'A deadly silence that has to end'. He states:

It's a daily procession of preventable deaths, often with local surges called "clusters" or mini-epidemics, swollen by suicides in older adults.

While Professor McGorry has particularly focused on youth suicide, his article also talks about adults. Yesterday we had another interesting article written by Mr Kemp in the *Adelaide Advertiser* entitled 'Time to lift the veil of silence'. It called for the media to report suicides. Of course, this is always a very, very difficult issue. The point being made in the article is that the media have a responsibility to make people aware of suicides and not to contribute to underreporting of the problem. This is according to the view of Michael O'Connell, Commissioner for Victims' Rights. As we can see, there is a great difference between the number of people who think about suicide and actual suicides. In 2007 we had only 2,200 suicides, and yesterday this Senate passed a motion citing ABS figures of 2,500 suicides. But the reality is that those figures do not take into account that young man who may wrap his car around a tree at midnight on a country road, which is then termed an accidental death, or perhaps the little old lady who is found dead in her home alone and whose death is again termed as accidental. There are issues associated with that, and they were canvassed in the Senate's major report on suicide. It is a catch-22 situation, because if we do not know the actual number of suicides then how can we better help those people and target the assistance in those areas? That was the gist of the motion that Senator Wright and I put yesterday to this Senate. Yesterday evening *Four Corners* had a very confronting episode in relation to youth suicide, about remaining silent and the shocking dilemma of youth suicide. So let us look at what has happened in recent years in relation to suicide prevention and efforts that have been made to tackle suicide. At the 2010 election we heard an announcement by Ms Gillard about 'Mental health: taking action to tackle suicide'. The Australian Labor Party site talks about suicide as a tragedy and it promises:

A re-elected Gillard Labor Government will redouble our national efforts to prevent the tragedy of suicide in order to reduce the tragic toll it imposes on individuals, families and communities.

There was a commitment of $277 million over four years to provide a series of initiatives. We saw very little spending, but we saw this announcement being made not once but quite a number of times—as if this was new money being passed off, but of course they were really talking about the same money. There were a number of media releases by Minister Butler in November 2010, but basically he was just talking about the same announcement.

Let us look at how this money was rolled out—or may I say not rolled out. Professor
Mendoza, in a piece entitled 'Mental health and suicide prevention are now red hot national political issues' on 2 March 2011, writes:

The much trumpeted suicide prevention funding announced during the Federal election campaign last year totaling $277m will see just $9.1m spent this year. Again this is symbolic of a Government that talks the talk but fails the test of real action.

Mental health and suicide prevention are now red hot national political issues. This is in part due to the continuing delays on any real reform or action by the Federal Government despite having more advice than any previous government on what actions are required.

Professor Mendoza goes on to say:

It has had dozens of program-specific advices from the National Advisory Council on Mental Health and overall system reform from NACMH and the National Health and Hospitals Reform Commission—almost all of which it has ignored.

It knows what the priorities for investment are—prevention, early intervention, community support services including supportive accommodation, research and new governance and accountability.

As we know, Professor John Mendoza was the original chair of the National Advisory Council on Mental Health. He was appointed in June 2010 and he resigned, criticising the Rudd government for its lack of action on mental health. In his interview on 21 June 2010 he said:

JOHN MENDOZA: Well it's a frustration rather than anger.

He then went on about the lack of action. Basically he made this important comment:

They had commented on many aspects of the Howard government’s response in this area as being inadequate and wanting to do a lot better and, in fact, the formation of the council was specifically in response to, I guess, the lack of progress from the reform policy agenda that had been in place for some time.

So after two years, however, it was pretty clear we were getting nowhere.

Then we had the so-called National Mental Health Reform package. As is usual with this government, there was the grand announcement and finally, after motions both in this chamber and in the other place sponsored by the coalition urging the government to take action—and indeed motions passing what was the coalition's policy at the last federal election—the government was shamed into doing something on mental health in its budget. There was the big announcement of the $2.2 billion package, GetUp!, the candles and the full bit. But, of course, despite the money, the net spend over the forward estimates was only $583 million and most of that package was money taken out of the Better Access program.

I will not reiterate to the Senate the findings of the Senate Community Affairs References Committee inquiry into the funding of mental health in Australia. Suffice to say that the government's changes in relation to Better Access were undertaken with absolutely no consultation with the sector and absolutely no consideration as to what the impact of those changes would be—most importantly, on patients who were accessing those programs.

In 2011-12 there was only $47 million spent and $62 million in cuts from existing programs. Throughout this process the minister failed to say how many of the 'new initiatives' were actually new money or simply recycled money and re-announcements. Of course, the package, as with most things with those opposite, was tainted with the never-never brush of so many of the Gillard government programs.

The draft Ten year roadmap for national mental health reform has been roundly criticised by Dr Rosenberg, Professor Mendoza and also by Dr Lesley Russell,
former adviser to then shadow minister for health, Julia Gillard. The evidence-based spending 'effectively delivered and transparently monitored' is not a feature of that 10-year plan. The point is that one in five Australians needs help now. They do not need a 10-year timetable with no onus whatsoever on the government to deliver. Sadly, for those with mental illness, we have seen another smoke-and-mirrors trick. This 10-year map was described as a road map to nowhere, and Professor Mendoza and others have suggested that it should be torn up because it achieves nothing and contains little of value worth pursuing. As Professor Alan Rosen, from the Brain and Mind Institute, said, 'You don't put out a road map if you don't have a destination.'

When you do look at the money side of that, you can see that it was previous money. The suicide money was put in, money that had not been spent, and it became very clear that the rate of spending had been so slow in this very important area. It is very difficult to track spending on programs in mental health simply because they are not reported or are disaggregated by program. When you look at the moneys actually spent in 2010-11, just from answers to questions on notice, it was not even the $9.5 million that Professor Mendoza was talking about of the moneys allocated; indeed, barely $7 million was spent in 2010-11.

In relation to moneys that have been allocated it is very clear that, despite the statistics and despite the importance of this area, the government is very tardy in relation to rolling out important programs. We are seeing criticism from people like Professor McGorry, Professor Mendoza and Professor Hickie, who, in an article in *Hospital and AgedCare* of March 2012 roundly criticised the government. He said:

As a result of the mess left at the end of the Rudd era, key structural issues in mental health services remain unresolved. There is no commonly agreed service model, particularly for out of hospital and ongoing community care.

Then we saw not only the spectacular cuts that were made by then health minister Roxon in relation to occupational therapists and social workers but also the usual backflips from Minister Roxon. Most recently, we have the decision in the last budget to freeze the funding for the Mental Health Nurses Incentive Program at the 2011-12 level. I want to quote from some correspondence I have received in relation to this. It says:

The program has been in operation for five years and in that time it has treated tens of thousands of patients with severe and complex mental illnesses. The funding freeze has been made in such a way that many thousands of patients' lives are at risk as they will be unable to access the program.

My correspondent goes on to tell me it provides one-on-one clinical nursing support in case management to people who have been put in the too-hard basket by the system, often people who are suicidal, homeless, young people who have been withdrawn from school and families and many others. What really concerns me is that this is not just a cap on the number of nurses in the program. I have been advised of cuts in actual services around the program and in different other parts. So what do we have from Minister Butler? Despite the fact that there is a program, he continues to make announcements about how things are going to be rolled out. That is all very well but what he is not doing is actually rolling out, so I would like to understand where the money has gone and why it has not been spent on very important areas.

 Senate adjourned at 20:57
The following documents were tabled by the Clerk:

Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.

Civil Aviation Act—
Civil Aviation Regulations—Instrument No. CASA 232/12—Instructions – for approved use of P-RNAV procedures [F2012L01847].
Civil Aviation Safety Regulations—Instrument No. CASA EX136/12—Exemption – ARFFS PST Diploma [F2012L01846].
Currency Act—Currency Legislation (Royal Australian Mint) Amendment Determination 2012 (No. 1) [F2012L01853].
Defence Act—Determinations under section 58B—Defence Determinations—
2012/46—Short-term duty travel costs and hardship post – amendment.
2012/47—Travel – amendment.
2012/48—Education assistance – amendment.
2012/49—Transfer of leave credit.
Fisheries Management Act—Heard Island and McDonald Islands Fishery Management Plan 2002—Heard Island and McDonald Islands Fishery Trawl Fishing Capacity Determination 2012 (No. 2) [F2012L01850].
Higher Education Support Act—VET Provider Approvals Nos—
17 of 2012—SMR Learning Services Pty Ltd [F2012L01852].

The following government documents were tabled:
Crimes Act 1914—Australian Commission for Law Enforcement Integrity—Reports for 2011-12—
Authorisations for the acquisition and use of assumed identities.
Witness identity protection certificates.
Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 April to 30 June 2012.
Treaties—
Bilateral—Treaty between Australia and the Socialist Republic of Vietnam on Extradition, (Canberra, 10 April 2012)—Text, together with national interest analysis.
Indexed Lists of Files
Tabling

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2012—
Statements of compliance—
Department of Families, Housing, Community Services and Indigenous Affairs.
Finance and Deregulation portfolio.
Infrastructure and Transport portfolio.
Resources, Energy and Tourism portfolio.
QUESTIONS ON NOTICE

Global Extractive Industries Transparency Initiative
(Question No. 1997)

Senator Wright asked the Minister representing the Attorney-General, upon notice, on 6 August 2012:

(1) Given that the Australian Government has previously stated it ‘will further support, at home and abroad, global efforts to improve governance and financial transparency in the resources sector’ and as part of this support, the Government in 2011 announced it would undertake a pilot of the Global Extractive Industries Transparency Initiative, can an update be provided on the pilot.

(2) Given that the Supreme Court of the United States, in the case known as Kiobel v Royal Dutch Petroleum Co., is considering whether a law of the United States of America (US) – the Alien Tort Statute – applies to corporate human rights abuses that have taken place in countries other than the US, will the Australian Government intervene by filing an amicus curiae brief with the Supreme Court of the United States; if so, what will be the Government’s position.

(3) Has the Australian Government consulted with Australian businesses about this case and/or its position on this case.

(4) Have Australian companies, individuals or other entities asked the Australian Government to intervene in this case.

(5) Has the Australian Government consulted with any other stakeholders or outside groups, such as human rights organisations or those whose human rights have been affected by corporate operations, about intervening in this case or Australia’s position on this case.

Senator Ludwig: The Attorney-General has provided the following answer to the honourable senator’s question:

(1) This question should be directed to the Minister for Foreign Affairs.

(2) No.

(3) Yes.

(4) One company indicated that it would welcome the submission of an amicus brief by the Government.

(5) No.

Immigration and Citizenship
(Question No. 2017)

Senator Cash asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 14 August 2012:

(1) Why are departmental financial systems unable to extract the cost of litigation solely involving asylum seekers and detainees.

(2) What costs are able to be extracted by departmental financial systems.

(3) In regard to the $9.536 million spent on external litigation services during the 2011-12 financial year, to 31 December 2011: (a) can a breakdown be provided detailing exactly what this expenditure relates to, other than judicial review of migration and citizenship decisions; and (b) how many external providers provided litigation services to the department in relation to this figure.

(4) How is the department invoiced for external litigation services.

(5) Who is able to provide external litigation services to the department.
In regard to external litigation services during the 2011-12 financial year, for the periods up to 31 December 2011 and 30 June 2012, under the department’s model litigant obligations: (a) for how many cases did the department receive advice that it should not pursue litigation due to the case being assessed as not having a reasonable prospect of success; and (b) did the department pursue any cases for which it received such advice; if so, how many and why.

Can an updated figure be provided detailing the cost of defending and/or prosecuting legal actions by asylum seekers and detainees over the 2011-12 financial year.

Is $9.536 million the total cost of defending and/or prosecuting legal actions by asylum seekers and detainees for the 2011-12 financial year; if not, what is the actual figure.

How many claims brought by asylum seekers did the Government defend in the 2011-12 financial year, and the 2012-13 financial year to date.

Senator Lundy: The Minister for Immigration and Citizenship has provided the following answers to the honourable senator's questions:

(1) The department does not record litigation expenditure for asylum seekers separate from other legal activities. It is not possible to extract costs relating solely to asylum seekers and detainees. As a result, the analysis to answer the question would require significant resources to identify the separate transactions relating to asylum seeker litigation costs.

(2) The department is able to extract litigation expenditure and provide details on our professional fees, counsel fees and disbursements for all related activities.

(3) (a) $9.536 million was spent on external litigation services during 2011-12 financial year to 31 December 2011. This expenditure related to:

<table>
<thead>
<tr>
<th>($'million GST exclusive)</th>
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<tbody>
<tr>
<td>Professional fees</td>
<td>$7,769</td>
</tr>
<tr>
<td>Counsel</td>
<td>$1,363</td>
</tr>
<tr>
<td>Disbursements</td>
<td>$0,404</td>
</tr>
<tr>
<td>Total</td>
<td>$9,536</td>
</tr>
</tbody>
</table>

(b) A total of five external providers provided litigation service so the department during the 2011-12 financial year to 31 December 2011.

(4) Each external litigation service provider submits one aggregated invoice to the department on a monthly basis. It includes all matters and the services provided to the department during the period. This arrangement has been put in place to minimise administration overhead rather than receiving separate invoices for hundreds of individual matters and services.

(5) Australian Government Solicitor, Clayton Utz, DLA Piper, Sparke Helmore and Minter Ellison provide external litigation services to the department under the current Legal Services Panel arrangements.

(6) During the 2011-12 financial year, for the period up to 31 December, the department received 91 advices that it should not pursue litigation due to the case being assessed as not having reasonable prospects of success. For the period from 1 January 2012 to 30 June 2012, the department received 73 advices that it should not pursue litigation due to the case being assessed as not having reasonable prospects of success. The department did not pursue any cases to hearing for which it received such advice.

(7) No, a figure cannot be provided from the department’s financial system detailing the cost of defending and/or prosecuting legal actions by asylum seekers and detainees over the 2011-12 financial year.
No, the figure of $9.536 million is not the total cost of defending and/or prosecuting legal actions by asylum seekers and detainees for the 2011-12 financial year. As addressed in response to question one, this information cannot be extracted from the departmental financial system.

In the 2011-12 financial year, the department defended 1,090 claims to hearing brought by persons seeking judicial review of Independent Merits Review and Refugee Review Tribunal decisions. In the 2012-13 financial year to 31 July 2012, the department defended 71 claims to hearing brought by persons seeking judicial review of Independent Merits Review and Refugee Review Tribunal decisions.

**Defence: Trapwire Surveillance System**

(Question No. 2021)

**Senator Ludlam** asked the Minister representing the Minister for Defence, upon notice, on 16 August 2012:

Can the Minister confirm whether the department, its subordinate agencies or service branches:

(a) has previously used;
(b) currently uses; or
(c) is considering using, the TrapWire surveillance system.

**Senator Bob Carr:** The Minister for Defence has provided the following answer to the honourable senator’s question:

(a - c) No. The Department of Defence has not previously used, does not currently use, nor is considering using, the TrapWire surveillance system.