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SITTING DAYS—2011

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FORTY-THIRD PARLIAMENT
FIRST SESSION—THIRD PERIOD

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

Senate Officeholders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Senators Thomas Mark Bishop, Suzanne Kay Boyce, Patricia Margaret Crossin, Mary Jo Fisher, Helen Evelyn Kroger, Scott Ludlam, Gavin Mark Marshall, Claire Mary Moore and Louise Clare Pratt
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 Robert James Brown
Deputy 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 Judith Anne Adams and David Christopher Bushby
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert

Printed by authority of the Senate
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<th>Party</th>
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<td>Abetz, Hon. Eric</td>
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<td>Adams, Judith Anne</td>
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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.

**PARTY ABBREVIATIONS**

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

**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—A Thompson
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<tr>
<td>Prime Minister</td>
<td>Hon. Julia Gillard MP</td>
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<tr>
<td>Deputy Prime Minister, Treasurer</td>
<td>Hon. Wayne Swan MP</td>
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<tr>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>Hon. Simon Crean MP</td>
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<tr>
<td>Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate</td>
<td>Senator Hon. Chris Evans</td>
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<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>Hon. Peter Garrett AM, MP</td>
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<tr>
<td>Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate</td>
<td>Senator Hon. Stephen Conroy</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>Hon. Kevin Rudd MP</td>
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<tr>
<td>Minister for Trade</td>
<td>Hon. Dr Craig Emerson MP</td>
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<tr>
<td>Minister for Defence and Deputy Leader of the House</td>
<td>Hon. Stephen Smith MP</td>
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<tr>
<td>Minister for Immigration and Citizenship</td>
<td>Hon. Chris Bowen MP</td>
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<tr>
<td>Minister for Infrastructure and Transport and Leader of the House</td>
<td>Hon. Anthony Albanese MP</td>
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<tr>
<td>Minister for Health and Ageing</td>
<td>Hon. Nicola Roxon MP</td>
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<tr>
<td>Minister for Families, Housing, Community Services and Indigenous Affairs</td>
<td>Hon. Jenny Macklin MP</td>
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<tr>
<td>Minister for Sustainability, Environment, Water, Population and Communities</td>
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<td>Senator Hon. Kim Carr</td>
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<td>Attorney-General and Vice President of the Executive Council</td>
<td>Hon. Robert McClelland MP</td>
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<td>Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate</td>
<td>Senator Hon. Joe Ludwig</td>
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<td>Minister for Resources and Energy and Minister for Tourism</td>
<td>Hon. Martin Ferguson AM, MP</td>
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<tr>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>Hon. Greg Combet AM, MP</td>
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[The above ministers constitute the cabinet]
GILLARD MINISTRY—continued

Minister for the Arts
Hon. Simon Crean MP

Minister for Social Inclusion
Hon. Tanya Plibersek MP

Minister for Privacy and Freedom of Information
Hon. Brendan O'Connor MP

Minister for Sport
Senator Hon. Mark Arbib

Special Minister of State for the Public Service and Integrity
Hon. Gary Gray AO, MP

Assistant Treasurer and Minister for Financial Services and Superannuation
Hon. Bill Shorten MP

Minister for Employment Participation and Childcare
Hon. Kate Ellis MP

Minister for Indigenous Employment and Economic Development
Senator Hon. Mark Arbib

Minister for Veterans' Affairs and Minister for Defence Science and Personnel
Hon. Warren Snowdon MP

Minister for Defence Materiel
Hon. Jason Clare MP

Minister for Indigenous Health
Hon. Warren Snowdon MP

Minister for Mental Health and Ageing
Hon. Mark Butler MP

Minister for the Status of Women
Hon. Kate Ellis MP

Minister for Social Housing and Homelessness
Senator Hon. Mark Arbib

Special Minister of State
Hon. Gary Gray AO, MP

Minister for Small Business
Senator Hon. Nick Sherry

Minister for Home Affairs and Minister for Justice
Hon. Brendan O'Connor MP

Minister for Human Services
Hon. Tanya Plibersek MP

Cabinet Secretary
Hon. Mark Dreyfus QC, MP

Parliamentary Secretary to the Prime Minister
Senator Hon. Kate Lundy

Parliamentary Secretary to the Treasurer
Hon. David Bradbury MP

Parliamentary Secretary for School Education and Workplace Relations
Senator Hon. Jacinta Collins

Minister Assisting the Prime Minister on Digital Productivity
Senator Hon. Stephen Conroy

Parliamentary Secretary for Trade
Hon. Justine Elliot MP

Parliamentary Secretary for Pacific Island Affairs
Hon. Richard Marles MP

Parliamentary Secretary for Defence
Senator Hon. David Feeney

Parliamentary Secretary for Immigration and Multicultural Affairs
Senator Hon. Kate Lundy

Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing
Hon. Catherine King MP

Parliamentary Secretary for Disabilities and Carers
Senator Hon. Jan McLucas

Parliamentary Secretary for Community Services
Hon. Julie Collins MP

Parliamentary Secretary for Sustainability and Urban Water
Senator Hon. Don Farrell

Minister Assisting on Deregulation and Public Sector Superannuation
Senator Hon. Nick Sherry

Minister Assisting the Attorney-General on Queensland Floods Recovery
Senator Hon. Joe Ludwig

Parliamentary Secretary for Agriculture, Fisheries and Forestry
Hon. Dr Mike Kelly AM, MP

Minister Assisting the Minister for Tourism
Senator Hon. Nick Sherry

Parliamentary Secretary for Climate Change and Energy Efficiency
Hon. Mark Dreyfus QC, MP
SHADOW MINISTRY

Leader of the Opposition  
Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs and Shadow Minister for Trade  
Leader of the Nationals and Shadow Minister for Infrastructure and Transport  
Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations  
Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts  
Shadow Treasurer  
Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House  
Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals  
Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate  
Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee  
Shadow Minister for Energy and Resources  
Shadow Minister for Defence  
Shadow Minister for Communications and Broadband  
Shadow Minister for Health and Ageing  
Shadow Minister for Families, Housing and Human Services  
Shadow Minister for Climate Action, Environment and Heritage  
Shadow Minister for Productivity and Population and Shadow Minister for Immigration and Citizenship  
Shadow Minister for Innovation, Industry and Science  
Shadow Minister for Agriculture and Food Security  
Shadow Minister for Small Business, Competition Policy and Consumer Affairs  

Hon. Tony Abbott MP  
Hon. Julie Bishop MP  
Hon. Warren Truss MP  
Senator Hon. Eric Abetz  
Senator Hon. George Brandis SC  
Hon. Joe Hockey MP  
Hon. Christopher Pyne MP  
Senator Hon. Nigel Scullion  
Senator Barnaby Joyce  
Hon. Andrew Robb AO, MP  
Hon. Ian Macfarlane MP  
Senator Hon. David Johnston  
Hon. Malcolm Turnbull MP  
Hon. Peter Dutton MP  
Hon. Kevin Andrews MP  
Hon. Greg Hunt MP  
Mr Scott Morrison MP  
Mrs Sophie Mirabella MP  
Hon. John Cobb MP  
Hon. Bruce Billson MP

[The above constitute the shadow cabinet]
SHADOW MINISTRY—continued

Shadow Minister for Employment Participation
Hon. Sussan Ley MP

Shadow Minister for Justice, Customs and Border Protection
Mr Michael Keenan MP

Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation
Senator Mathias Cormann

Shadow Minister for Childcare and Early Childhood Learning
Hon. Sussan Ley MP

Shadow Minister for Universities and Research
Senator Hon. Brett Mason

Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House
Mr Luke Hartsuyker MP

Shadow Minister for Indigenous Development and Employment
Senator Marise Payne

Shadow Minister for Regional Development
Hon. Bob Baldwin MP

Shadow Special Minister of State
Hon. Bronwyn Bishop MP

Shadow Minister for COAG
Senator Marise Payne

Shadow Minister for Tourism
Hon. Bob Baldwin MP

Shadow Minister for Defence Science, Technology and Personnel
Mr Stuart Robert MP

Shadow Minister for Veterans' Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC
Senator Hon. Michael Ronaldson

Shadow Minister for Regional Communications
Mr Luke Hartsuyker MP

Shadow Minister for Ageing and Shadow Minister for Mental Health
Senator Concetta Fierravanti-Wells

Shadow Minister for Seniors
Hon. Bronwyn Bishop MP

Shadow Minister for Disabilities, Carers and the Voluntary Sector and Manager of Opposition Business in the Senate
Senator Mitch Fifield

Shadow Minister for Housing
Senator Marise Payne

Chairman, Scrutiny of Government Waste Committee
Mr Jamie Briggs MP

Shadow Cabinet Secretary
Hon. Philip Ruddock MP

Shadow Parliamentary Secretary Assisting the Leader of the Opposition
Senator Cory Bernardi

Shadow Parliamentary Secretary for International Development Assistance
Hon. Teresa Gambaro MP

Shadow Parliamentary Secretary for Roads and Regional Transport
Mr Darren Chester MP

Shadow Parliamentary Secretary to the Shadow Attorney-General
Senator Gary Humphries

Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee
Hon. Tony Smith MP

Shadow Parliamentary Secretary for Regional Education
Senator Fiona Nash

Shadow Parliamentary Secretary for Northern and Remote Australia
Senator Hon. Ian Macdonald

Shadow Parliamentary Secretary for Local Government
Mr Don Randall MP

Shadow Parliamentary Secretary for the Murray-Darling Basin
Senator Simon Birmingham

Shadow Parliamentary Secretary for Defence Materiel
Senator Gary Humphries

Shadow Parliamentary Secretary for the Defence Force and Defence Support
Senator Hon. Ian Macdonald
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Thursday, 7 July 2011

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

Parliamentary Office Holders

Temporary Chairmen of Committees

The President: Pursuant to standing order 12, I lay on the table a warrant nominating Senator Back as an additional Temporary Chairman of Committees when the Deputy President and Chairman of Committees is absent.

Bills

Carbon Tax Plebiscite Bill 2011 [No. 2]

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator Ian Macdonald: Mr President, on a point of order: I think you have missed something out of the order of business today. I am sure you would want to announce to the Senate who won the State of Origin this year!

The President: Senator Macdonald, I am sure the tie that you are wearing reflects the winner of the State of Origin series—for the sixth successive time—but I must remain impartial in these matters and I will continue to do so!

Senator Cameron (New South Wales) (09:32): Mr President, I think the Senate has started off in a very bad way this morning, with these Queenslander!

Senator Birmingham: We're on a slippery slope now!

Senator Cameron: I think the slippery slope, Senator Birmingham, is the plebiscite; that is the slippery slope. We all know that the plebiscite is a mindless political stunt. I am going to do something I do not normally do. I am going to quote two sources that I normally do not quote. I am going to quote the Vatican and I am going to quote Paul Kelly in the Australian. Those who are on the Senate Environment and Communications Legislation Committee with me will know that I have found a very important and serious document by the Pontifical Academy of Sciences. The Pontifical Academy of Sciences is made up of some of the most eminent scientists from around the world and advises the Pope on climate change. The report by a working group commissioned by the academy starts off by saying:

We call on all people and nations to recognise the serious and potentially irreversible impacts of global warming caused by the anthropogenic emissions of greenhouse gases and other pollutants …

The report then goes on to outline why serious governments, why serious politicians, around the world are dealing with this issue in a serious way. They outline in this document the glacier melting that is taking place around the world, why that is being caused by humans and how we should deal with this. I recommend to all of those in the opposition who every Sunday are in chapel, practising their faith, that they look at what the Pontifical Academy of Sciences is saying. I think it is a very important message to everyone in this place about the importance of dealing with global warming—because what we should understand is that this Carbon Tax Plebiscite Bill 2011 [No. 2] is not about plebiscites; it is a short-term political ploy. That is all it is.

Senator Furner: Is it a stunt?
Senator CAMERON: Yes, it certainly is a stunt. What we have here is analysis by the Pontifical Academy of Sciences that backs up everything that is being said by scientists not only in Australia but around the world—that is, that global warming is real, sea levels are rising and the climate is getting more unpredictable, and that there are significant health implications and significant implications for infrastructure around the world.

The only people in Australia that I see consistently standing up and opposing this consensus among scientists are those in the coalition who have been absolutely captured by the extremists and climate change deniers. We have Senator Cormann, who, as I indicated in my last contribution, does not mind sharing a stage with Lord Monckton, the biggest climate change denier in the world. People treat him as an absolute joke. But we had Senator Cormann queuing up to get Lord Monckton’s autograph.

Senator McEwen: All the lunatics together!

Senator CAMERON: Yes, all the lunatics together. So that is the issue. The issue is: are politicians going to take climate change seriously, are governments going to take climate change seriously and are we going to make sure that our children have an opportunity in the future to enjoy an environment that is sustainable? That is the issue. If anyone from the opposition wants to have a look at the paper from the working group commissioned by the Pontifical Academy of Sciences I would be happy to send them a copy.

The next one I want to quote is again from somewhere I do not like quoting from. I do not normally quote from there because most of the quotes are taken up by the coalition anyway. The coalition are in there quick smart. Whenever the *Australian* pontificates about something, the coalition are in there and quoting the *Australian*. But I think I would even have to concede that Paul Kelly, the editor at large, has some standing in political analysis within Australia. I must say that I think Paul Kelly’s standing has been improved by this article that I am about to quote from. In the *Australian* of 22 June 2011, under the heading ‘Abbott’s plebiscite call a serious misjudgment’—not just a misjudgment but a ‘serious' misjudgment—Paul Kelly says:

An instinctive resort to populist tactics is contrary to all the party stands for. I do not think the coalition stand for much these days. I think they are totally populist. So I think Mr Kelly has it a bit wrong there. They are totally a populist party, captured by the extremists on industrial relations, the extremists on climate change, those that would be extreme on the issue of race and those that would be extreme on the issue of making this country a good country to live in. So what does Paul Kelly say? He says: THERE is no established practice in Australian national politics for plebiscites to determine policy issues for the obvious reason they are a bad idea.

Did you get that? Paul Kelly from the *Australian* says it is a ‘bad idea’. He goes on to say that that bad idea ‘advances neither democracy, good government nor sound public policy.’

In my view, I do not think the coalition are much interested in democracy, good government or sound public policy, because the stunts are absolutely at the forefront of how this coalition are operating. Paul Kelly goes on to say:

The plebiscite on the carbon tax proposed by Tony Abbott is not smart politics.

Would you expect smart politics from Tony Abbott? You would not expect anything smart from him on economics, because we know that he is not interested in economics.
We know that you would not get anything smart out of the Leader of the Opposition on that. Paul Kelly goes on to say:

It does not assist Abbott’s cause or his standing. It suggests the Coalition needs stunts, not sound argument, to buttress its case.

I have got a difference with Mr Kelly on that point: it is not a suggestion that they are relying on stunts to buttress their case; the reality is that the coalition are totally dependent on stunts to buttress their case. They have got nothing else going for them. They have absolutely no policy direction on the key issues affecting this country. They are a policy void; a policy wasteland. All they have is stunts. Paul Kelly goes on to say:

It is a mistake for the Liberal Party to propose 'government by plebiscite'. This violates the practice and philosophy espoused by its former leader, John Howard.

Remember that guy—John Howard, your former leader? Paul Kelly says it 'violates the practice and philosophy' of your former leader. He goes on to say:

It defies the principles of representative democracy that have served Australia well. There is one certainty: the notion is inconsistent with the principles of conservatism that Abbott is supposed to uphold.

We know why that is. It is because the Leader of the Opposition has no principles.

How can you point to any principle when a leader says ‘I am a weathervane and I’ll just point to what’s happening at the time and tell you what’s happening at the time’? How many different positions has the Leader of the Opposition had on climate change? One minute it is real and the next minute it is not real. I suppose it depends on who he was talking to the night before when he makes the statements on climate change. He is totally inconsistent and all over the place on climate change. But what we do understand is that he does not believe it. He believes it is crap. That is what the Leader of the Opposition said: ‘It’s crap’.

Every scientific body that has any credibility believes global warming is real. Every scientist in the field with any standing, with peer reviewed work, says that it is real. The only people I hear in this place arguing that it is not real are the extremist climate change deniers on the other side, who do not care about future generations, who do not care about what happens in the future. They have short-termism driving their position.

It is absolutely essential to deal with climate change. It is absolutely essential to give our kids a fair go in the future. That is what the Labor Party is about. What has happened here is that the Australian, that organisation that is quoted endlessly—and, I must say, mindlessly almost all the time—by the coalition has belled the cat on this issue of a plebiscite. The Australian has said that it is just a nonsense. Paul Kelly goes on to say:

Plebiscites are the road to bad policy in the name of people power. Consider. Should we have had a referendum to launch the post-war immigration program, to abolish the White Australia Policy, to remove the tariff, to move away from centralised wage fixation, to deregulate interest rates, to introduce the Higher Education Contribution Scheme, to float the dollar, to embrace a native title system, to introduce a GST and to accept Indo-Chinese refugees in the 1980s? Each of these 10 policies has been instrumental in improving our society and economy. It is likely none of them would have passed a plebiscite at the time.

So what Paul Kelly is saying to the coalition is: ‘Stand up. Stand up for your principles. Stand up for the values that you claim to have.’ I say to Paul Kelly: how can you stand up for principles and values when you are devoid of principles and values, as the coalition are? Paul Kelly goes on to say—

The policy plebiscite—
Senator Ronaldson: But your leader is a liar—the Prime Minister is a liar—so don't talk about who's got principles and who hasn't got principles, thank you very much. We don't need a lecture from you.

The DEPUTY PRESIDENT: Order, Senator Ronaldson! Senator Ronaldson, could you withdraw that remark, please.

Senator Ronaldson: I will withdraw it if Senator Cameron withdraws his comments before. I am not going to sit here and take this.

The DEPUTY PRESIDENT: Senator Ronaldson, I need you to withdraw that unconditionally, please.

Senator Ronaldson: I will withdraw it if Senator Cameron withdraws his comments previously about the Leader of the Opposition.

The DEPUTY PRESIDENT: I am sorry, Senator Ronaldson. You have to withdraw your remark that you made. Could you withdraw that unconditionally, please.

Senator Bob Brown interjecting—

Senator Ronaldson: I do not need advice from you, thank you very much, Senator Brown.

The DEPUTY PRESIDENT: Senator Brown, that interjection is not required. Senator Ronaldson?

Senator Ronaldson: I will withdraw.

The DEPUTY PRESIDENT: Thank you, Senator Ronaldson.

Senator CAMERON: Thank you. From time to time, we all need a lecture, and I am happy to be here giving the coalition a lecture on what are supposed to be their values and their principles, because they are absolutely devoid of values and principles. Let me tell you: I am joined in this lecture by the Australian—by Paul Kelly. He goes on to say.

The policy plebiscite undercuts the high practice of Westminster politics Australia-style where politicians govern for a three-year term, make their decisions for better or worse, and accept the public's judgment at the next poll. Then he goes on to say:

When outgoing senator Steve Fielding, after meeting the Opposition Leader and hearing his case, repudiates it as a "stunt", then Abbott is scraping the bottom of the barrel.

Well, is he ever! The king of stunts, former Senator Fielding, actually would not associate with this stunt. I just think that says it all, and Paul Kelly has really got you lot under control here in this little article. He goes on to say:

While Abbott said his intent was to "let the people decide", he refused to agree he would abandon his own opposition to the tax if any carbon tax plebiscite was carried. In short, he doesn't take his own proposal seriously. It may have been mildly interesting if Abbott had said he was ready to fall into line with the result. No such concession.

So what has Paul Kelly done here? He has exposed the hypocrisy of the coalition. They call for a plebiscite, but they do not really want a plebiscite; they do not want to accept any outcome from the plebiscite. Paul Kelly only puts it as far as saying it would be 'mildly interesting' if they were even serious about accepting the outcome of a plebiscite, which they are not. So this plebiscite is nothing more than a massive political stunt to add to the political stunts that permeate the coalition as a political party in this place—stunt after stunt. I did describe the Leader of the Opposition a couple of weeks ago as the Evel Knievel of Australian politics—all stunt and no substance. That is what the leader of the coalition is. Paul Kelly continues.

He—

this is the Leader of the Opposition—
did, however, demand from Labor the standard he refused to apply to himself—that Gillard act on the vote.

So he is saying, 'Let's have a plebiscite—let's spend $80 million of taxpayers' funds on a plebiscite—but only if the plebiscite goes the way I want the plebiscite to go will I accept the plebiscite.' You see, it is a one-sided plebiscite. It is not just a stunt of a plebiscite; it is a one-sided plebiscite that would apply only to the government but not to the coalition. No wonder Senator Fielding looked aghast at the coalition—at the height and temerity of the coalition to run a stunt like this. When you have former Senator Fielding aghast at the coalition—at the height and temerity of the coalition to run a stunt like this. When you have former Senator Fielding aghast at a stunt, you know it is the real big stunt of all time. This is a stunt to end all stunts—one that makes Senator Fielding blush. What a joke! Paul Kelly goes on to say:

This highlights another defect: a plebiscite is non-binding.

Eighty million dollars of public money to run a plebiscite to do what? A glorified poll to say this is what people think at the moment. It means nothing. It is non-binding. Paul Kelly said:

It is a government-sponsored and paid for national opinion poll whose authority derives from that fact. If parliament passed Abbott's bill then Gillard would be obliged to hold the plebiscite that Labor voted against. But Gillard would have no legal obligation to implement the outcome of the vote.

Then Mr Kelly goes on to outline the history of plebiscites in this country. I would call on the coalition to look at the history of plebis-cites and why you should not run divisive plebiscites in this country. So what Paul Kelly has done in one article is demolish any credibility that the coalition might think they have. You have no credibility on economic matters—we know that. You left this country ill-prepared to deal with the challenges of climate change and globalisation—absolute-ly ill-prepared. Your only economic policy was Work Choices, to rip away at workers' wages and conditions. Let me tell you: Paul Kelly has got you guys nailed. He has nailed you and he has said you are incompetent, you have no values, you have no principles and you have abandoned any idea that you have any way forward for this country. Paul Kelly has got you guys nailed. You should be ashamed. When you stand up here, you tell me how you deal with the Kelly argument, because you cannot. *(Time expired)*

**Senator NASH** (New South Wales—Deputy Leader of The Nationals in the Senate) (09:53): Well, isn't this interesting—Senator Cameron on the other side of this chamber telling us we have no economic credibility! I am sorry. Isn't this the government that just a couple of weeks ago increased its borrowings from $200 billion to $250 billion? Mind you, colleagues, they did not give us a chance to actually scrutinise this. Oh, no—they slipped it in with the appropriations bill. Of course, we all know that parliament accedes to those things so the operation of government can happen. They tried to hide it away—$250 billion. Do you know how much we are going to be paying in interest every day over the next financial year, Senator Cash? Fifteen million dollars a day in interest. So, Senator Cameron, do not sit on that side of the chamber and lecture this side of this chamber, which left you with a surplus, about our economic credibility.

The Australian people now are in absolutely no doubt whatsoever about what the government thinks of them. What the Carbon Tax Plebiscite Bill 2011 does is give the Australian people a say. It gives the Australian people the opportunity to say whether or not they want a carbon tax. What did Senator Cameron just call that opportunity? A mindless political stunt. Senator Cameron and the Labor government think that giving the Australian people a say is a
mindless political stunt. To anybody out there who might be watching this or who might at some point be reading this, that is what this Labor government under Julia Gillard thinks of you. It thinks that giving you a say is a mindless political stunt. I would say that any Australian, having been told that, would think: 'What is this government going on about? Why can't we have a say? Why can't we consider whether or not we as Australian families, workers and individuals want to actually have a carbon tax?' But, oh no: this government will not do that.

Why don't you stay, Senator Cameron? Why don't you stay? It might be nice if you actually stayed here for the debate. Let us just have a look at Senator Cameron. Isn't it interesting when he talks about mindless political stunts? Mindless? The only other thing he was talking about as being mindless was his colleagues when he called them all zombies. That was the last mindless thing that Senator Cameron was talking about. So it is quite interesting to see him stand here today and lecture us when all we are doing is attempting to give the Australian people a say on whether or not they want a carbon tax.

Of course, a plebiscite would have a cost, and Senator Cameron has just raised that—$80 million. The hypocrisy from Senator Cameron and this government saying there is a cost attached to this plebiscite! Let me tell you, Mr Deputy President: they spent $80.9 million on administering an emissions trading scheme that does not even exist. And Senator Cameron has the hypocrisy to sit on that side of the chamber and tell us we are potentially wasting money. It is just extraordinary.

The Australian people are waking up to this government, and thank goodness they are. How dare this government try to introduce a carbon tax, the biggest single issue that this country has had to deal with for decades, without letting the Australian people have a say—those mums and dads living in the suburbs in Sydney, those farmers out there in regional Australia, those workers, those truckies driving across the country, those people working in small businesses, those people in schools teaching, those nurses and those doctors? Everybody across the community has no chance to have a say and to tell this government whether or not they want a carbon tax. That is simply wrong, because we know that before the last election this Prime Minister, Julia Gillard, having managed to get to the position of leader of the Australian Labor Party through means that were somewhat less than elegant, said to the Australian people, 'There will be no carbon tax under a government I lead.'

Of course, a plebiscite would have a cost, and Senator Cameron has just raised that—$80 million. The hypocrisy from Senator Cameron and this government saying there is a cost attached to this plebiscite! Let me tell you, Mr Deputy President: they spent $80.9 million on administering an emissions trading scheme that does not even exist. And Senator Cameron has the hypocrisy to sit on that side of the chamber and tell us we are potentially wasting money. It is just extraordinary.

The DEPUTY PRESIDENT: Order, Senator Nash! I let it go the first time, but you must refer to the Prime Minister by her correct title—and all members of the House of Representatives.

Senator NASH: I must indeed. Which correct title, Mr Deputy President? There are probably several. But I shall use 'Prime Minister'. I do apologise, Mr Deputy President. The Prime Minister said to the Australian people in the election campaign—we can only assume it was a promise to the Australian people—'There will be no carbon tax under a government I lead.' And what has she done? She has turned around and said to the Australian people: 'Oh, sorry about that—bit of a slip. There's actually going to be a carbon tax.' That is appalling. That is absolutely appalling.
Senator Ronaldson: How would you describe something like that?

Senator NASH: I shall take that interjection; thank you very much, Senator Ronaldson. How would you describe something like that? I think the question would probably best be directed to the Australian people about what they think about having been lied to by the Prime Minister.

Senator Cash: Yes, that's a novel idea!

Senator NASH: That is a novel idea; thank you, Senator Cash! That is a very novel idea! Ask the Australian people—there's an idea. That is exactly what we are putting forward today. We are putting forward the opportunity for them to have a say. We are putting forward the opportunity for them to be able to say to the Prime Minister and this Labor government whether or not they want a carbon tax. How dare the Prime Minister say: 'I know what's best for you; you can have a carbon tax, and I'm not going to listen to you. Not only am I not going to listen to you, but I'm not even going to give you an opportunity to tell me what you think. Somewhere in between these elections, I will actually bring in this carbon tax and I will not give you a say on whether or not you want it.' That is about the lowest point this country has got to for a long, long period of time. Mr Acting Deputy President, I draw your attention to—and I am sure my good colleague Senator Scullion remembers this from the campaign—the Treasurer, Wayne Swan, on 15 August 2010, saying when discussing the issue of whether or not there would be a carbon tax, 'Certainly, what we rejected was this hysterical allegation that somehow we are moving towards a carbon tax.' That is very interesting. Apparently my coalition colleagues and I, having said during the last election campaign that this government would be bringing in a carbon tax, were making a hysterical allegation.

Senator Cash: Oh?

Senator Furner: You mean a scare campaign!

Senator NASH: Hindsight is a wonderful thing. Apparently, Senator Cash, we were not hysterical after all. Apparently we were just spot on the money. We were dead right, and we were absolutely correct when before the last election we tried to warn the Australian people that there would be a carbon tax.

Senator Furner: I know a scare campaign when I see one.

Senator NASH: 'A scare campaign,' Senator Furner says. Since when did putting the facts in front of the Australian people become a scare campaign? It is not and you and all of your colleagues on the other side of the chamber know it very well, Senator Furner. This is not a scare campaign. This is about telling the Australian people like it is—and they are listening. They are listening because they know what the ramifications of this are going to be. They know what the impact of this carbon tax is going to be. It is going to be disastrous.

But let me return to the 'hysterical allegation' that the Treasurer, Wayne Swan, said we were making by saying that this government was going to bring in a carbon tax. As I said, apparently it was not hysterical. Apparently if you are hysterical you are correct. Interestingly the Labor member for Wakefield, Nick Champion, said in June:

'It's important that people get it right and we have a measured and patient debate about it—the carbon tax—and not a hysterical debate that (Opposition Leader) Tony Abbott wants.'

Apparenty we were hysterical when before the last election we said there was going to be a carbon tax, so one can only assume that if we are being hysterical now, warning
about the ramifications of this, we are right again.

I fear for the future of this country with a carbon tax in place, I truly do. I might be a parliamentarian, but first and foremost I am a wife and a mother of two teenage boys. Those boys are going to have to deal with this carbon tax in the years to come. There is nothing—no benefit—to come from this whatsoever. I worry for them and all of the other young people around this country who are going to have this carbon tax foisted on them having had no opportunity ever to have say about whether or not they want it. That is appalling. It is absolutely right and proper and appropriate for this side of the chamber to try and fix it so that the Australian people can have a say, because the impacts of this are going to be disastrous.

Why have we got it? Let us have a look at why we are going to have this carbon tax. It comes right back to the government, which can now only be described—and I am sure Senator Bob Brown actually likes this description—as the Labor-Greens government. I am sure he must like that description because he has already indicated that one day a Green will be in the Lodge and that the Greens will move to take over the Labor Party—oh, sorry, take over the Labor Party's space. I wonder what the Labor Party thought about that when on Monday Senator Brown so very humbly said that they may well move to take over and be even more important than the Labor Party. I do apologise, Senator Brown, that I am not quoting you directly, but I hope I am giving the essence in the correct context.

Senator Bob Brown: No, you're getting it completely wrong.

Senator NASH: Senator Brown says I am getting it completely wrong. I am sure he will clarify that for us later. What does not need any clarification is the fact that we have this Labor-Greens government running the country. Let me point out to my colleagues that there are 226 members of parliament, of which you are all very well aware. How many members of parliament do the Greens have? Ten—two hands—10 out of 226.

Senator Cash: That's it?

Senator NASH: That is it. Thank you, Senator Cash. I was surprised too, when I had a close look. There are 10 out of 226, and the way things are going at the moment the Greens are running the country. I know they are probably very happy every time we say that, but let me tell you that the Australian people out there are not. I am happy to place on record that Senator Bob Brown got 1½ million votes; 1½ million voted for him—11 million did not. It is quite extraordinary that we have this situation with a carbon tax coming in as a result of the Labor-Greens government when the Greens have 10 out of 226 members of parliament and 1.5 million votes out of 12½ million. It does not sound like a really good case for democracy to me. It does not really sound like the majority of the Australian people having their say. It does not really sound like what the Australian people want is actually happening. I do not think it really sounds like that at all.

There is something really interesting, and perhaps one of the Labor senators can indicate about it in one of the times that they get to make remarks—and I am sure before Sunday there will be masses of briefings on the carbon tax to all the backbencher. Tell me, Senator Furner, do you think the Greens are going to get their briefing before the Labor backbench does? I would be very interested to know that before the end of this debate. Wouldn't it be interesting, Senator Adams, if in fact the Prime Minister were planning on briefing the Greens before she briefed her own backbench?
Senator Cash:  Maybe she has briefed them. Maybe they have been briefed.

Senator NASH:  There may well already have been a briefing. I am not privy to any of this information. But I think it is important that the question is asked. If, all of a sudden, the Greens have become more important to the Prime Minister than her own backbench, then I am sure that her very own backbench would be rather upset. They would be rather upset to think that Bob Brown and his nine—10 all up, out of 226 members of parliament—would get a briefing from the Prime Minister on something this important before the Labor backbench did. But who knows? Maybe somebody can clarify that for us throughout the course of the debate.

This carbon tax is something the Australian people are going to have to deal with as one of the biggest issues this country has seen in a very, very long time. I am so concerned about the impact of this. I do not think I have ever been more concerned about the potential impact of a piece of legislation. And, Senator Furner, it is not scaremongering. This is not scaremongering. We are not hysterical. We are out there every day trying to explain to the Australian people what the impacts and the ramifications of having a carbon tax in this country are going to be. They are going to be devastating on the cost of living, of food and of some aspects of fuel—goodness knows what we are going to hear on Sunday.

I put the government on notice: if you even try to touch the diesel fuel rebate—if you even try to touch the arrangements for off-road vehicles—a storm will come down on your head, the likes of which you have never seen. That excise is not paid because vehicles are off-road vehicles; that excise goes to road users because they use the roads. There is a very good reason that those off-road vehicles do not pay that excise. I say to the Prime Minister right now: do not even think about changing those arrangements, or the wrath of regional Australia will land on your doorstep.

It is not just that. There are so many areas where there will be an impact, and the impact on farmers and regional communities is going to be the greatest. Even Ross Garnaut said in his report that farmers, more than most other Australians, will face higher fuel and transport costs under the proposed tax. Certainly fuel might have been removed from the scheme for some users—who would know? We will find out on Monday. But I bet you pounds to peanuts it will still be on transport, which is a key component for regional communities. That is why this carbon tax will be so much worse for regional Australia—because of transport, because of the tyranny of distance. It costs more to get everything to the regions than it does to deliver it into a city area. That puts costs on everything, right across the board.

The extraordinary thing is that at the end of the day, in spite of all the bleating from the government on the other side of the chamber, it does not matter whether you believe man is contributing to global warming or not. This carbon tax is not going to make the slightest bit of difference to the climate. That is something that we on this side of the chamber understand and that those out there in the community are starting to understand. They realise that we are going to put thousands of jobs at risk. We know that industry is going to move offshore. We know that the anticompetitive nature of bringing this carbon tax in is going to be huge. We know the impact it is going to have on our businesses.

I am particularly concerned as a regional, Nationals senator about the effect this is going to have on our farmers and our regional communities, because the effect it
will have on farmers will flow right through those communities. Everybody out there knows that when the agricultural sector is not doing well it flows right through, down our main streets, to the newsagents, the clothes shops, the service stations on the corner, the teachers, the schools, policing, the numbers in schools—everything. It flows right through.

We have the NFF saying that if fuel used in agricultural production is included then the tax will slug beef producers with an extra $7,000 in costs every year and that cotton-farming families are going to face a five per cent cut to their farm income. It goes on and on and on. And for what? We are going to have a seismic shift in our economy that is going to hit families, carers, individuals, hip pockets right across the country. This government will stand up and say, 'No, it's not going to do that, because we are going to compensate.' What a load of rubbish.

Those emitters are going to pass those costs on, and when we move to an emissions trading scheme—which this government says we will—the price will fluctuate. Is the Prime Minister going to compensate people when that price is fluctuating day by day? Who knows where it is going to end up? It will be pushed by traders. It might get to the $100 a tonne that Greens senator Sarah Hanson-Young would like to see, and that is not good enough. The Australian people deserve better. They deserve the opportunity to have their voice heard on this very important issue.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10:13): I thank Senator Nash and Senator Cameron for their earlier contributions. The Greens will be opposing this legislation—the Carbon Tax Plebiscite Bill 2011 [No. 2]—because it entertains a fair degree of silliness as well as a large degree of public expenditure. In fact, when you look at the cost of up to $100 million for a plebiscite, then, based on the argument we have just heard from Senator Nash about imposing on people a cost that is unwarranted, that ought to be at the outset a measure for ruling out the idea. It was no doubt a political move by the Leader of the Opposition that was then introduced into this place by Senator Abetz. Proposed section 6 of this bill, under the heading 'Question to be submitted to electors', says:

The question to be submitted to electors in accordance with section 5 is ‘Do you support the Government's plan to introduce a price on carbon to deal with climate change?’

So at the outset the whole of Senator Nash's contention is demolished because the question has nothing to do with a tax; it is about a price on carbon. I will come back to that in a little while because that is exactly what the Leader of the Opposition, Tony Abbott, is proposing to do with his alternative—that is, to put a price on carbon which will be imposed on the people of Australia.

The difference here is that Mr Abbott and Senator Abetz want to have that price paid for in a reverse mechanism—they want to take money off the Australian people and give it to the polluters, with the aim that the polluters will use the money to reduce the pollution in their coal fired power stations and other polluting enterprises. The government, several Independents and the Greens are moving to reverse that and have the polluters pay through pricing mechanisms—therefore, forcing them to clean up their pollution because they will want to avoid that payment—and then use the money from the permits paid for by the polluters to enable the Australian economy to move to a clean, green basis in the future, creating tens of thousands of jobs and offsetting the cost by paying householders compensation for the flow-on costs of the carbon price in terms of...
increased prices in particular for energy and very minimal changes then to costs at supermarkets and so on.

So, in a nutshell, Mr Abbott and Senator Abetz are proposing that the Australian people have billions of dollars taken off them and given to the big foreign owned polluting corporations—and most of them are—whereas the Greens, the government and the Independents involved—the Hon. Tony Windsor and the Hon. Rob Oakeshott from the House of Representatives—are in the cabinet subcommittee looking at this matter to ensure that householders are looked after. People are beginning to understand that. There is going to be a change of mood in the electorate because the Leader of the Opposition and the coalition are taking the Australian electorate as being fools, but they are not. The Leader of the Opposition has changed his position and will continue to change his position according to a political tub-thumping approach which has no depth. We heard the Leader of the Opposition saying as recently as Friday, 1 July at a conference of economists:

It may well be, as you say, that most Australian economists think that the carbon tax or emissions trading scheme is the way to go.

Maybe that's a comment on the quality of our economists rather than on the merits of the argument.

We had here the extraordinary claim from the Leader of the Opposition that all the economists in Australia—and I mean all the economists in Australia—are wrong and he is right. Australians looking at that are going to recognise that it is the Leader of the Opposition who is wrong, because he cannot simply make that claim without substantiating it and he has not been able to substantiate it. The Leader of the Opposition, Mr Tony Abbott, has changed his position quite frequently. He said in 2009:

If you want to put a price on carbon why not just do it with a simple tax? ... Why not ask electricity consumers to pay more? And then at the end of the year, you can take your invoices to the tax office and get a rebate ... It would be burdensome, all taxes are burdensome, but it would certainly ... raise the price on carbon without increasing in any way the overall tax burden.

So we had there Tony Abbott endorsing the very argument that he now opposes. We had there Tony Abbott putting forward a proposal supported by economists which he has since reneged on while the economists have gone on with further study to say that the government-Greens-Independents proposal is the most economically efficient and therefore is the cheapest for the Australian people to save us from the much greater economic impact of climate change, global warming and the destruction that has not just on our food-producing lands and our coastal cities, towns and properties but on great economic, environmental and job-producing entities like the Great Barrier Reef. In 2009 Mr Abbott said:

I think that the science is far from settled but on the insurance principle you are prepared to take reasonable precautions against significant potential risks, and that's I think why it makes sense to have an ETS.

It is an emissions trading scheme that he is now opposing. The very thing he proposed he is now opposing. You can imagine a referendum campaign in which the people of Australia are exposed to support for the government-Greens-Independent position repeatedly being out of the Leader of the Opposition's own mouth. It would be an exercise in futility and at great expense to the Australian people which would be lost. When we look at the position taken by Mr Abbott and Senator Abetz, which is to take money from the Australian exchequer, from the taxpayers, and give it to the polluters we find that Mr Abbott has said his direct action plan—
Senator Ian Macdonald: I thought your plan did that, Bob? Aren't you paying the top companies?

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop): Order! Senator Macdonald should not be interrupting the speaker.

Senator BOB BROWN: Thank you. Mr Abbott has costed his attack on the taxpayer's pocket at around a cumulative $10 billion by 2020. The problem with his $10 billion by 2020 is that the Department of Climate Change has estimated the plan would not see emissions at 2020 at his target of a reduction of five per cent; instead, emissions would increase to 13 to 17 per cent above 1990 levels. If you are going to get to the opposition's claimed target of a five per cent reduction it would cost a further $20 billion including the purchase of overseas permits.

When you cost that out you find that by 2020 the Abbott plan would cost the average Australian household $720 per annum with no compensation. That is the fraud that is involved in that proposal. I reiterate that the alternative plan being developed by the committee on a climate price would ensure that householders are compensated—some people in the poorest circumstances would indeed be overcompensated—so that the impact of the carbon price will be completely offset. Not with Mr Abbott's plan. He will be hitting households—and very often they are big energy consumers because they do not have the wherewithal to have engaged in energy-saving devices and mechanisms—and that includes households in the coalition heartland, for $720 per annum. What a difficulty for the leader of the coalition and for Senator Abetz, the Leader of the Opposition in the Senate, whose absence from this debate, here and around the country, has been extraordinarily notable. The reason for that is that Senator Abetz, who has this bill before the Senate, simply does not understand the economics of it and has been not engaged in justifying the attack on the average taxpayer that is involved in the legislation.

Look at the question again: if this bill were to pass the Senate today do you support the government's plan to introduce a price on carbon to deal with climate change? The plan has not yet been publicised. It will be in the coming week. And so we have the silly situation for political purposes—

Senator Cash interjecting—

Senator Ian Macdonald interjecting—

The ACTING DEPUTY PRESIDENT: Order!

Senator BOB BROWN: We have a proposal about a government plan which does not exist and has not been produced into the public arena. It quite properly will be introduced in the coming weeks for public discussion in the lead-up to a parliamentary discussion after the Australian people have had a good look at it over the coming months. We have a proposal here before the parliament on a question for a plan that does not exist. It is a nonsense, of course.

One of the problems for the government is a survey of Australian opinion on the alternatives. When you get to ask the astute Australian electorate, which is effectively being proclaimed by Mr Abbott and Senator Abetz as being unable to get its mind around this issue, you find—

Senator Ian Macdonald: Do you agree with the free use of drugs? What is the plebiscite on that?

Senator BOB BROWN: They are a funny, sad lot over there but that is the way it is. If you ever hear interjections like that, you know the opposition is in full retreat from what they are hearing in the Senate.
Senator Ian Macdonald: Why don't we have an election then?

Senator BOB BROWN: Having lost the last election, they want another one now at even greater expense to the Australian people, but they have to live on in vain. Acting Deputy President Bishop, I do ask you to ask Senator MacDonald to desist because it is quite proper that he is brought to order under the standing orders of the Senate.

The ACTING DEPUTY PRESIDENT: Senator Brown, all senators should respect the customary decorum of this place. Senator Brown should be listened to in silence.

Senator BOB BROWN: Thank you. It is so often the case that the conservatives break the rules and the laws, but there you go. What you find when you ask the Australian people whether they prefer their money to be taken and given to the polluters or that the polluters' money be taken and given to help offset them the great majority of Australians are in favour of the polluters being taxed, and that includes a majority of coalition voters. They do not support the contention from—

Senator Ian Macdonald: Where did you get those figures from?

Senator BOB BROWN: The senator opposite asked, 'Where did you get those figures from?' He is going to find out in the next day or two. All I am saying is that at the moment an exercise in simply asking the average Australian—and this includes Liberal and National Party voters—shows people do not want to have their money given to the polluters. They want the polluters to be taxed to help them deal with the problem of the onrush of climate change.

What we see in the chamber today from the coalition is bad behaviour, interruption and trying to shout down a reasoned argument. I listened to the coalition senator in complete silence. It is part of the way in which politics is working at the moment. We have to accept that. We have negativity from the coalition and a refusal to enter into reasoned debate or to have the proper forms of debate which enhance a democracy. These forms are being eroded by this opposition, which does not stand for proper, decent public debate. But that is the position the Greens have taken.

Senator Nash said I indicated on Monday that we would move to take over the Labor Party. I have never made such a statement. The fact that that was a headline on Saturday in the Weekend Australian is a testimony to the ability of the Australian to lie on its front page.

Senator Ian Macdonald: The Prime Minister does; why shouldn't the Australian? Answer that.

Senator BOB BROWN: They do not like it. As I said, the Australian headline was completely wrong. It is repeated in a column by former Labor representative Gary Johns today and it has been repeated elsewhere. It is one of those things you have to up with put. I have broad shoulders, but being verballed by the Australian does not make it right. As I said to the New York Times in the last 24 hours, if we are going to be seen to be replacing somebody, we already have replaced the Liberal Party, at least in terms of the notion that, if a true liberal party exists in this parliament, it is the Greens. We are a liberal minded party which stands for the people and for action on climate change in the public interest, because that is what we went to the election on, that is what we have worked in this parliament to achieve and that is what we are looking forward to being finally and fully announced on Sunday to go into the public arena for debate and then back into this parliament for action, while
the opposition simply wants to feather-bed the polluters.

Senator FURNER (Queensland) (10:33): I wish to contribute to this debate on the Carbon Tax Plebiscite Bill 2011, but before I get onto the main subject matter I wish to draw an analogy as a Queensland senator. Last night in the state of Queensland we saw a historic outcome, with six consecutive series being won by Queensland. I think the analogy here is that there were players, spectators and even referees on the field that accepted the outcomes delivered as a result of that fabulous win. It is a case that needs to be reflected on when we go to the nature of this particular bill and Mr Tony Abbott's position on wishing to have a plebiscite on something on which we know that he has no commitment and no ability to deliver. So it is a farce that we are here today in this chamber debating this bill, because we know what the outcome would be should this bill be successful. Should the public of Australia be involved in a plebiscite, that would not only waste $80 million of taxpayers' dollars but also put the Australian public further into a position where they wonder at times what Mr Tony Abbott is doing as an opposition leader. He talks all day until the cows come home about how a carbon price is supposed to hurt our working families, yet he has no problem with spending that sort of money and asking the Australian public whether we should put a price on carbon at all and whether it is the right thing to do. He then says he would rescind it anyhow if he were in government.

I reflect on some notable occasions where he has been quoted. On 20 June 2011, the opposition leader was asked whether he would reconsider his position on the carbon price if the public voted yes. He said:

Well, obviously if the people have their say and their say is conclusive one way or another that should settle the matter.

The hypocrisy on this issue is shown in what he said later on that day to 3AW:

… my position on carbon tax is that I am against it in opposition and I will rescind it in government.

Therefore on one hand he is saying: 'Let's have a plebiscite. Let's accept the umpire's decision.' On the other hand he is saying, 'I'm not going to accept that at all, because I'm going to rescind it if I'm in government and I won't accept it in opposition.' Once again that clearly demonstrates the typical hypocrisy in this regard. At a time when we know families are doing it tough out there and we are working responsibly through our injection of nearly $43 billion into the economy for protection from the global financial crisis, he wants to go out and spend $80 million of working families' hard-earned wages. So our being in this chamber debating this bill is really a waste of time.

Putting a price on carbon is the best way to move our country forward to a cleaner economy and environment. It is the right thing to do. How do we know this? Because the electorate told us at the last election that they want action on climate change. That is what the electorate really wants on this issue. Climate scientists have told us carbon pollution is causing climate change, and who are we to dispute this?

Let us look at some of the facts. 2010 tied with 2005 and 1998 as the warmest years on record. The last 10 years have been recorded as the warmest decade and 2010 is the 34th consecutive year to have global temperatures above the 20th century average. Each decade has been hotter than the decade preceding it and this has happened since 1940. If we take no action on climate change, we put Australia at risk. We put Australia at risk economically over a range of different sectors, including water security, the agricultural industry, health, coastlines, communities and energy industries. Rising temperatures lead
to intensive weather conditions, and my state of Queensland has recently felt the brunt of those.

Queensland has a population of 4.5 million. Our state is known around the world for its sunny weather. No matter the season, it is the golden beaches that tourists flock to every year. With a stunning coastline come coastal communities and these are at risk if no action is taken. According to the Department of Climate Change and Energy Efficiency, between 48,300 and 67,700 residents' buildings could be at risk through rising sea levels of just 1.1 metre at a cost of between $15.4 billion and $20 billion. A rise of 1.1 metre would also affect 47,000 kilometres of Queensland roads, 570 kilometres of railway lines and 1,440 commercial buildings at a cost of more than $30 billion. Through the recent flooding and Cyclone Yasi up in the north we saw how extreme weather affected that infrastructure.

Not only is infrastructure at risk but also our health is at risk. The department believes that climate change could cause an increase in the number of days in Brisbane that have a temperature higher than 35 degrees Celsius, from one day up to 21 in a year. This would not only affect those who are sensitive to warmer temperatures like the elderly but also increase the chances of diseases such as dengue fever moving to areas of South-East Queensland.

Let us not forget the Great Barrier Reef Marine Park, which contributed $5.4 billion to our economy in 2006-07 and provides employment to 53,800 people. According to the department, sea surface temperatures across the Great Barrier Reef have increased by 0.4 degrees in the past 30 years, and increasing atmospheric carbon dioxide has also resulted in an increase in ocean acidity. These trends are expected to continue with climate change. Rising sea levels have also caused coral bleaching, and rising temperatures can have detrimental effects on marine life. The cost of inaction is beyond price. I had the opportunity many years ago to go out on the reef on several occasions and about 18 months or two years ago, I saw signs of that coral bleaching and the effect on our beautiful Great Barrier Reef.

Senator Ian Macdonald: I see it all the time.

Senator FURNER: I am sure you do, Senator Macdonald. You should be aware of all these issues that affect an area that you live in, but you are in complete denial. This is just a small snapshot of what we need to take action on for climate change, if not for ourselves, then for our children, our grandchildren and their children. We do this so that they will have a future and a life they can enjoy.

We believe that putting a price on carbon is the cheapest and most efficient and effective way of reducing our carbon emissions and helping our nation's transition into a cleaner economy. Our plan is to charge our 1,000 top polluters for every tonne of pollution they emit. By doing this we will provide them with incentives to switch to renewable energy. We will be providing support to emission intensive industries as well as supporting jobs. Under our own policy polluters will pay. It will bring certainty to many sectors and, most importantly, Australians will be given assistance.

More than 50 per cent of revenue collected will go back into assisting Australians. Nine out of 10 households will receive assistance from the federal government through tax cuts. The pension will increase and family payments will be increased. This assistance will ensure that householders will not have to foot the bill for the increase in the cost of living and will allow them to do their bit to help the environment.
We know that our low-income householders do not have a lot of money to spare so we will be ensuring that they receive extra assistance. More than three million householders will get an extra 20 per cent in tax cuts and increased payments. We will also be providing assistance to those who rely on electricity for their medical equipment. The government knows of 110,000 Australians who rely on essential medical equipment like dialysis machines and life-support machines, just to name a couple, and we will ensure that they receive extra financial assistance to cover the cost of the rise in electricity prices with a special annual cash payment. This will be a huge economic reform and it is something that our government can be proud of.

Our policy has received support from different sectors. Fosters CEO, John Pollaers, said:

Everyone gets it has to happen, that is a trading scheme. I sometimes struggle with where this sits in the priorities in Australia at the moment. It has to be done, I think it is right we do do it. If the benefit case includes that we are going to create a green tech sector in Australia that gives leadership ... then let's get moving.

Stockland director, Carol Schwartz, said:

I would put a price on carbon and I would move to an emissions trading scheme. Absolutely Julia Gillard is going in the right direction and she needs to have the courage of her convictions not to negotiate away too much.

Mr Tony Abbott would have you believe that the carbon tax will increase electricity prices. Electricity prices have risen significantly in the last few years and uncertainty in the industry is driving them up. Implementing our policy will provide certainty in the sector and allow investments in the industry to take place.

Even Australian Industry Group CEO, Heather Ridout, said:

... while much concern has focussed on carbon pricing, energy prices are going up significantly with or without it. Some of those cost drivers could be reduced by a well-designed carbon price. This could eliminate the policy uncertainty that is damaging investment in new electricity generation ...

Mr Abbott has also been running with the line that putting a price on carbon would increase the cost of living. Two years ago Mr Abbott believed in a carbon tax. He told Sky News on 29 July 2009:

I also think that if you want to put a price on carbon why not just do it with a simple tax?

Those were his words back in 2009. He went on:

Why not ask motorists to pay more?

That is obviously something he is denying now.

Why not ask electricity consumers to pay more?

And then at the end of the year you can take your invoices to the tax office and get a rebate of a carbon tax you've paid.

Even his former leader believed in a carbon tax. On 29 May, 2007 John Howard told Radio 3AW Melbourne:

Fundamental to tackling climate change and reducing greenhouse gas—

Senator Cash: Mr Acting Deputy President, I raise a point of order under standing order 185, 'conduct of senators'. Standing order 185(1) is:

A senator shall acknowledge the chair on entering or leaving the chamber.

I would like to point out that I just watched Senator Bob Brown exit the chamber and now enter the chamber, and on both occasions he has been in breach of standing order 185(1). I would like your guidance as to what can be done. He is in breach of the standing order.

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop): All senators on entering and leaving the chamber are
required under the standing orders to acknowledge the person in the chair. I was unaware that Senator Brown recently left and re-entered the chamber. All senators should adhere to standing orders at all times. Senator Furner.

Senator FURNER: Mr Acting Deputy President, I was recapping on the position of Mr John Howard, the former Prime Minister, on climate change and greenhouse gas emissions. I generally do not quote this man because I have some issues associated with his mannerism and also the way he introduced Work Choices and extreme industrial relations laws into this country, but we have been fortunate as a government to be able to turn them back and introduce fair and reasonable industrial laws. But back in 1998 he made a point on plebiscites and referendums. On ABC Radio in Perth—in your home state, Mr Acting Deputy President—he said:

… unless you resort to a method of having plebiscites or referendums on each individual issue. And I think the Australian public will get very angry and tired about that. They would say: what's wrong with you fellas, we elected you for three years, you go away and take all the decisions you want to on individual issues and then when those decisions have been taken at the end of your three year period if we don't like you we'll vote you out. I don't think you can run it any other way.

That is clearly contrary to what Mr Tony Abbott, his protege, is doing in this bill before us today.

Those are not the only coalition members who have supported a price on carbon. On 20 May 2010 Joe Hockey said, 'Inevitably we'll have to put a price on carbon … we'll have to.' And on 1 December 2009 the former Tasmanian senator Guy Barnett said:

I support action on climate change; I support a price on carbon emissions. As a community we should give the earth the benefit of the doubt.

Then on 24 February this year the member for Moore, Mal Washer, said: 'If we don't price carbon both sides of politics will be guilty of putting up stupid feelgood programs that are not cost effective. Taxpayers end up paying exorbitant prices for little reduction in CO₂.'

The Gillard government are committed to supporting our working families. We understand the cost of living pressures and we are determined to deliver policies which will assist our families and the environment. Our track record has been consistent. We always have and we always will look out for working families. Since the Labor government was elected in 2007 we have provided tax cuts and assistance to small businesses. We have increased the pension and the childcare rebate and introduced the education tax refund. We abolished Work Choices, the Howard government evil policy which took away workers' rights; it took away leave loading and overtime rates and it was ultimately the undoing of the coalition government. For the first time in history Australia has a paid parental leave scheme, allowing working parents to stay at home and bond with their new additions without worrying about the cost of living pressures, and this is on top of their employers' existing paid parental leave scheme. We accomplished all this within our tight budget. We will be delivering an increase of $4,000 in family tax benefit part A. We will extend the education tax refund to include uniforms and provide the option for families to receive the child-care rebate payments fortnightly. All our incentives are costed and fully funded. We are committed to a stronger economy and more jobs for Australians. We are investing in the future of our nation through infrastructure and investing in skills.

If those opposite really cared about our working families they would never have...
introduced Work Choices; they would never have taken away workers' rights. But the people spoke, they lost government and then Mr Abbott told everyone Work Choices was 'dead, buried and cremated'. A great analogy can be drawn with the recent election at the opposition's party council when there was a ballot for presidency between Mr Peter Reith and another gentleman, whose name escapes me at the moment. I want to refer to some of the comments made in an article in the *Age* where Mr Reith said:

Labour market reform is too important to be left in the Liberal political closet.

Even though I have spent many years as an activist promoting labour market reform, I promised Opposition Leader Tony Abbott I would suspend my interest in this if I became federal president of the Liberal Party. I thought that was the best way I could support Abbott and the team and quietly encourage great policy.

Mr Reith questioned Mr Abbott's commitment, saying:

It was good that Abbott publicly called for the business community to make the case for reform. I hope he means it.

I wonder what he means by that statement 'I hope he means it'? Is he questioning Mr Tony Abbott's genuineness in this area of reforming industrial laws?

Despite having given Peter Reith his commitment to vote for him, Mr Abbott instead voted for Mr Stockdale and then showed Mr Stockdale the outcome of his decision. We know this because it is in the press; the television cameras were rolling. Apparently he turned to Ms Bishop and said, 'Hell, I thought Reith would have won.' Certainly you can imagine the shock on Ms Bishop's face, because she understood that there was an arrangement and that a deal had been done. She responded, 'Yeah, well, he lost by one vote, Tony.' This is the disingenuousness of this person, whether it be in important elections for the president of the opposition party or a commitment to put a bill such as this to a plebiscite on such an important matter. You really question whether this person is genuine enough to accept an outcome. He has clearly demonstrated that that is not the case; he would not accept the outcome and this is typical of the form of this particular person.

We know that the only position we can take is to make sure that we deliver a policy—and educate constituents to make sure they understand what is ahead of them—that will work towards effectively putting a price on carbon in the cheapest, most effective way, in a way that will support businesses and in a way that will not affect households, to provide a transition to a cleaner economy. *(Time expired)*

**Senator IAN MACDONALD** *(Queensland)* *(10:54)*: It is unusual for me but I must say I am almost speechless having heard the contributions from Senator Furner and Senator Brown. Senator Furner was talking about people being disingenuous; this comes from a member of a party whose leader one day before the last election put her hand on her heart and said, 'There shall be no carbon tax under a government I lead.' That is not disingenuous; it is an outright lie. If that is not a lie, I do not know what is. Listening to Senator Furner lecture people about disingenuousness is making me almost speechless.

On the same note, we had the leader of the government, Senator Bob Brown, lecturing us on abiding by the rules in debate. Those of us with long memories remember how he used to regularly disobey police instructions, and disobey traffic rules—I think at one stage he was in trouble with the police for breaking the rules—and here he is in this chamber lecturing us about following the rules. As my colleague Senator Cash pointed out, he deliberately thumbs his nose at the...
standing orders of this chamber which say he must acknowledge the President, as we all do. Sometimes we forget. Senator Bob Brown deliberately thumbed his nose at those rules, and at you, I might say, Mr Acting Deputy President, in his demeanour and his absolute contempt of this parliament, of this chamber and, indeed, of Australian democracy. For Senator Bob Brown to start lecturing us about abiding by the rules is just, again, almost making me speechless. I cannot wait for the time when Senator Rhiannon is head of the Greens. If I had a vote, Senator Rhiannon, I would be voting for you. I do not agree with you on much of what you do but I know that you are steadfast, that you do not involve yourself in hypocrisy as, some might say, your current leader does. I emphasise that even when it was drawn to Senator Bob Brown's attention that he should acknowledge the chair, he then deliberately got up, walked out and ignored the rules. For him to be lecturing anyone about following the rules is just mind-boggling. As I said, it almost leaves me speechless.

I wanted to participate in the debate. I have been sitting here listening to all of the contributions, because I wanted to find out from the Labor Party speakers what was in the carbon tax package that is going to be released, apparently on Sunday, with great fanfare. I had hoped that the Australian Labor Party speakers could tell us, because I know Senator Bob Brown knows exactly what is in it and, from some injudicious media comments that I heard today from other members of the Greens, I suspect that Senator Bob Brown has not kept the confidence—I only suspect that. But the poor old Labor Party, the lobotomised zombies—they do not know. They have not got a clue what is in it. They have been drip-fed on the good bits and drip-fed to leak out the goodish parts, the parts where you tax people and then compensate them by giving them their money back. Great economics! So typical of the Labor Party. That is all they know. They know as much as we do. When Senator Cameron spoke in this debate, I listened to his every word. I was just waiting for him to get off the politics and the personal abuse and actually tell us what was in the carbon package, but we did not get that, because, frankly, Senator Cameron does not know. It amazes me that the Greens know every detail chapter and verse, but Senator Furner and Senator Cameron do not. Here is Senator Bob Brown back in the chamber, again acknowledging the chair, in accordance with the standing orders. He is deliberately flouting the rules of this chamber, as he has deliberately flouted the rules of the land over the years, and then he has the hide to lecture us about abiding by the rules—an action that could only be described as hypocrisy.

Regrettably, Senator Furner and Senator Cameron do not know; none of the Labor speakers know. Perhaps I could ask Senator McEwen or Senator Carol Brown. Perhaps they could tell us. But I know they cannot tell us, because they do not know either. Senator Bob Brown knows, but the Labor Party does not. Who is running this government? I do not need to tell you who is
running this government. It is the Greens, led by a man—Senator Bob Brown—who deliberately flouts the rules of this chamber and, as we have seen from his history, civil law on occasion as well.

In these contributions from the Greens-Labor alliance members I did hear them say that everybody wants a carbon tax. Perhaps they are right. Perhaps all the opinion polls are wrong. Let me give them the benefit of the doubt. Let me take Senator Bob Brown's word. It will be the only time in history I have ever done that, but just as an exercise, let us take his word. If he is so confident that the people of Australia want a carbon tax, then let us have a plebiscite. What could be fairer than that? What is wrong with that? Why would you not ask the Australian people what they want? Mr Abbott has said, very publicly and very directly, that he will abide by the results of the plebiscite.

Senator McLucas: That is not true.

Senator IAN MACDONALD: It is absolutely true.

The ACTING DEPUTY PRESIDENT (Senator Boyce): Senator Macdonald, please address your remarks to the chair.

Senator IAN MACDONALD: Senator McLucas is again trying to mislead the Senate with her interjection. With thanks to Senator Cormann, I quote from Mr Abbott's speech at Parliament House on 4 July. He said:

If the arguments for a carbon tax are as clear and as convincing as members of this government say, let's have a vote. Let's put them to the people.

... ... ...

Let's bring it on ...

He said that the government should be prepared to accept the vote of the people, and he has indicated quite clearly that he will as well.

So let us have a plebiscite. What could be fairer? What objection could you have to that? If you do not want a plebiscite, then let us go to the ultimate plebiscite. If Senator Brown is so confident that he will win this debate, perhaps he could move a vote of no confidence in the government and bring the government down. We can go to an election—make it a double dissolution. I know the Labor Party would be petrified of this, because Senator Cameron and Senator Furner would not even make it in a double dissolution, let me tell you. One is from Queensland, the other from New South Wales. Senator Sterle, from Western Australia, would not make it either. I can confidently predict that in Queensland and Western Australia Labor not only would Labor lose every lower house seat on this particular issue but also, I suspect, there would be very few senators elected from those states.

So let us have the vote if Senator Brown is confident that all Australians want this carbon tax—that all Australians want to increase their cost of living and want to be burdened. If many Australians want to lose their jobs, particularly up in Central Queensland and North Queensland, where I come from—if he is so confident that is what they want—let us have a vote. This is a democracy. What could be fairer than having a vote?

But will the Greens-Labor government that rules this country be interested in that? Are they at all interested in what the people of Australia might say? Of course not. What we have had so far from the Greens and the Labor Party—and this will ramp up incredibly with $12 million of taxpayers' money, which the Labor-Greens alliance is going to be using to run a political campaign to try to retrieve their electoral fortunes—is this dishonest campaign by the government.
The facts of the carbon tax are continually misrepresented by the Labor Party. Actually, in the last few years, the world's temperature has fallen, yet Senator Furner quoted some figures suggesting the opposite. I have pointed out before a CSIRO graph that shows that 140,000 years ago the sea levels were about where they are today. The graph also shows that over these 140,000 years the sea levels fell, until about 20,000 years ago, when they rose overnight to almost where they are now. I am not sure that industry and man's behaviour caused that rise in sea levels 20,000 years ago. I am only a simple person; I am not a scientist.

Senator McLucas: That's exactly so.

Senator IAN MACDONALD: We agree on that, Senator McLucas—one of the few things we agree on. But I can read the graph. It goes like this: sea level there; a fall down to there; and 20,000 years ago it went straight up like that. What caused that? Human beings' industrialisation? I do not know. Ask the CSIRO. In fact, I have asked them in a question on notice. I am still waiting for the response. So this is the sort of campaign that is being run by Labor and the Greens and this is what will happen.

As I say, I do not presume to lecture other people on things like science; I have always been quite clear on that. Of course climate is changing—there is never any doubt about that in my mind. Is man doing it? I do not know. I have been open about that. I have heard a lot of scientists say it is; I have heard a lot of scientists say it is not. If they cannot agree, what chance have I got? So my position has never changed.

But what I do say is: why do you penalise Australians with this sort of ridiculous, job-destroying carbon tax when nobody else in the world is doing it? I would hope someone in the Labor Party might get up and quote us the figures from the United States—'Well, there are lots of states doing it.' If they read recent history, they will find that most of the states in the United States that used to do something like this are withdrawing and getting out of it as quickly as possible, because these carbon trading schemes are a farce. The United States congress has made it quite clear that they will not be having one bar of any emissions trading scheme or carbon tax. The Chinese are often quoted, but even the government and, I suspect, Senator Brown, now have to acknowledge that, while the Chinese people are reducing their output of carbon by certain means, at the same time they are building new coal-fired power stations every day, so that the net result for China will be continuing increases in carbon.

What will this tax do for Australians? It will increase their cost of living, particularly for those of us who live remote from the capital cities. Of course, I know the Labor Party and the Greens are not interested in that; they do not get any support out in the real world. You have only to look at the fiasco on live cattle to understand that they have no interest in, no empathy for and no understanding of the human lives—let alone the businesses and family histories—being put at risk by things like the live cattle ban. As an aside, I say that thankfully Senator Ludwig has at last, after three weeks, woken up to what destruction he had done with that stupid decision. But it is typical of the Labor government to rush in and make a decision on pink batts, live cattle or school halls. They rush in, make a decision and waste all the taxpayers' money. It is not their money. I tell you that, if it were the Labor Party's money they were spending on these schemes, they would be a bit more careful; but it is the taxpayers' money. They do not care about the taxpayers' money. It is very easy to spend other people's money, and that is what the Labor Party are doing.
So, come Sunday, we are going to learn how the carbon tax is going to impact on us all. Today's leak was that it is not going to be 1,000 companies that pay; it is going to be only 500. How are they going to get to their targets? I would be interested to have Senator Brown tell me how they are going to halve the number of people they are going to attack and yet get the same outcome. If you are going to have this tax to pay everybody everything, as Ms Gillard is presently promising—not that anyone would take any notice of anything Ms Gillard promises—where is the money going to come from if they are going to tax only half the companies they said they were going to? The hypocrisy and the lack of truthfulness involved in this debate is absolutely mind-boggling.

But there is one way to fix it up: let the people of Australia have a say. What could be fairer than that? What objection can you have to that? Senator Brown says it will cost $80 million. Some of the programs that the Greens raise every day would cost much, much more than $80 million. But you would be giving the Australian people a say in perhaps the greatest taxation issue since the GST.

I mention the GST because that is a good example of how to do things right. When we were in government, we talked about a GST. We brought in all the rules and procedures and the draft legislation. We said to the Australian public: 'This is what we are going to do with the GST; now we're going to an election, and if you think that we're on the right track then you'll vote for us and we'll form a government and be able to put in the GST. If you don't think it's the right thing, you won't vote for it.' Why can't the Gillard government do that? I will tell you why: the Labor Party and the Greens know that, if they asked the Australian public—if you were at all a believer in democracy—they would both be annihilated. The people of Australia would say, 'We don't want this tax; we don't want this imposition on our cost of living, particularly when it won't impact in any way whatsoever—it will not have one iota of impact—on the world greenhouse gas emissions. All it will do will be to send Australian jobs overseas.' I am very distraught about the jobs up in the central Queensland area, up in North Queensland and up in Northern Australia, including the Pilbara. I am very worried about the impact the tax will have on the jobs of my fellow Australians. The Labor Party and the Greens do not care about that. They just want a tax. They want to get the money in. They have huge budget black holes. They will do anything to try to overcome their incompetence with money.

So I conclude by again asking Senator Brown or any of the Labor Party people who are prepared to discuss this particular bill: what is wrong with asking the Australian people what they want? What is wrong with having a plebiscite, as Mr Abbott proposes? What is wrong, indeed, with going to an election? Let us make it a double dissolution election. What could be fairer? Let us see what we in this democracy would say. But no—the Greens and the Labor Party will join together. They will ignore the wishes and will of the Australian people and push through this horrible legislation, which will have such an impact on our cost of living and, indeed, the jobs of our fellow Australians.

Senator XENOPHON (South Australia) (11:14): I set on the record that I believe that anthropogenic climate change is real. I believe that it does require decisive and effective action. I believe that we also need to have effective policies for adaptation because the science indicates—and there are too many good scientists who express very real concern about what will happen unless we act decisively on this—that adaptation
also needs to be considered. I think that has not been part of the public policy debate.

I note that both the coalition and the government have similar policies in terms of reaching a five per cent target by 2020. It is just the mechanism by which they are proposing to reach those targets. The coalition has its direct action plan and the government is now proposing a carbon-pricing mechanism—I think the Prime Minister has referred to it as a carbon tax. The dilemma I have here is that the Prime Minister shortly before the last election said that there would be no carbon tax. I think it is important that, where there has been a change of government policy on an issue as fundamental as this, there ought to be an opportunity for Australians to have a say. A plebiscite would be a mechanism to do that.

The only issue I take with the opposition in relation to the Carbon Tax Plebiscite Bill 2011 [No. 2] is that the opposition must make it clear that the outcome of the plebiscite is one that the parliament ought to be bound by. If the Australian people say they do want a price on carbon, they want a carbon-pricing mechanism, to deal with climate change then the parliament ought to be bound by that. I for one believe that is the right thing to do. Otherwise, you spend tens of millions of dollars on a plebiscite and it is very problematic if you are not bound by that.

In a parliamentary democracy in the ordinary course of events you expect elected representatives to do their jobs. You expect elected representatives to get on with the business of dealing with legislation and dealing with important issues. That is what a representative democracy is about. We do not have in this country the mechanism they have in Switzerland or in a number of American states for so-called direct democracy, for citizen initiated referenda.

We do not have that mechanism and such a mechanism can be done only via an act of this parliament. I believe that, if the electorate does not approve of decisions, you can rectify that in the ordinary course of events at the next election. That is what you expect. But, if there is a fundamental change in policy where you cannot unscramble the egg once you have put it in place, there ought to be a mechanism to allow Australians to deal with that issue.

For all the criticisms I have of former Prime Minister Howard, he did do the right thing by having an election on the GST when he said previously that there would never, ever be a GST. He at least took that issue to the Australian people. The issue of the government advertising campaign to buttress his position is very problematic for me but at least there was an ability for the Australian people to decide on that.

I support the plebiscite because it is consistent with the approach I took 13 years ago when the then Liberal John Olsen government said just before the 1997 state election that they would not privatise the state's electricity assets, the Electricity Trust of South Australia, ETSA. They said it would not happen. It was a key issue of the election campaign. It was a lineball election and the Olsen government was re-elected with the support of conservative Independents in a minority government position. Within three months the Olsen government said they would privatise the state electricity assets because circumstances had changed. I felt then when I had a casting vote on that legislation that the only way to rectify the dilemma that the government had had in effect a reverse mandate not to sell the state's electricity assets was to have a referendum. In the end my vote did not count because two Labor members crossed the floor to vote with the government to pass that privatisation legislation.
There is an issue here of engagement. The traditional Labor voters I have spoken to in the electorate say that they have an issue with there being a change in the policy position. Unlike members of the coalition, I do not believe that the Prime Minister lied when she said there will not be a carbon tax. I believe she genuinely believed that. I also understand that the circumstances changed by virtue of minority government. It is not a criticism of the Prime Minister for changing her position, but on something as fundamental as this, I think the Australian people ought to have a say.

Thirteen years ago I was heavily influenced by an article that Hugh Mackay, the social researcher and commentator, wrote called 'The lying game'. It was published in the Fairfax papers—in the Sydney Morning Herald and the Age—on 1 August 1998. It is still a very good read. He talked about the disengagement that Australians have in the political process. What Hugh Mackay said back then I think is as true or even truer today. He talked about the disconnection that Australians have with the political process. They are so disenchanted with the Australian political process. He said:

There are plenty of young Australians, for instance, who believe they can extract more useful information—and possibly more "truth"—from an episode of Neighbours than from a news bulletin or a current affairs program. The soap, they say, is about a lot of people telling it like it is, whereas politics seems to be about a lot of people telling it like it isn't.

I think there is that disconnection and disenchantment. I think having a plebiscite would allow the Australian people to engage in this process. I have a lot of confidence in the Australian people and their judgment. Hugh Mackay said:

With trust in the political process being eroded with every bent principle, every broken promise and every policy backflip, the level of cynicism has reached breaking point for many Australians. That is what concerns me. I think engagement on this issue by the Australian people would be a good thing, but the opposition must be bound by the will of the Australian people in relation to this—in fact, I think the parliament ought to be bound by that.

I think the difficulty the government have is that there is a level of cynicism and disconnection amongst many of their traditional supporters. I genuinely believe that this would be a circuit breaker. Unless this occurs, whatever policy merits there may be in the government's proposal—and I do not want to pass comment on that until we see the details on Sunday—the government will be struggling to sell its message to the Australian people by virtue of the change in policy position. Again I emphasise that I do not believe the Prime Minister was lying when she said there would not be a carbon tax. She changed her position. I respect that but I think the respectful thing to do to the Australian people is to have a plebiscite to deal with this matter.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (11:22): I also rise to speak on the Carbon Tax Plebiscite Bill 2011, a private member's bill. I must say right from the start that this bill is an absolute sham. This bill is nothing more than an attempt to score cheap political points. We would not expect anything less from those opposite. They are led by a man who does not believe in climate change despite the evidence and despite the science.

There used to be members of the Liberal Party who stood for placing a price on carbon, but the sceptics took over. The climate change deniers took control. In one fell swoop they turned the opposition's climate change policy on its head. Those opposite used to belong to a party that
believed in climate change. Those opposite used to belong to a party that wanted to take action to cut greenhouse gas emissions. Those opposite had an emissions trading scheme as part of their policy—but not anymore; not since the climate sceptics seized control. Those opposite have descended into a party focused on mindless negativity. The only motive that those opposite possess these days is to oppose everything and wreak havoc and destruction.

Those opposite do not seem interested in constructive policy debate and formulation. It is a real shame, because those opposite used to believe in climate change. For instance, we have heard a number of times in the debate here this morning that former Prime Minister John Howard believed in climate change and that he took a policy of an emissions trading scheme to the 2007 federal election. Former Prime Minister Howard said, 'Fundamental to tackling climate change and reducing greenhouse gas emissions is to have a price on carbon, because you cannot reduce greenhouse gas emissions unless you have a price on carbon.'

There are a number of senators among those opposite who also believed in placing a price on carbon, and it is disappointing that they have backed away from this commitment. What we are left with today is an opposition which resorts to political stunts and mindless negativity. To make matters worse, their leader, Mr Abbott, is on the record saying that, even if we waste $80 million of taxpayers' money on a glorified opinion poll, he will not necessarily accept the results. That is right; Mr Abbott is committed to pressing ahead with a plebiscite and spending $80 million even though everyone knows he will completely ignore the results. This is nothing more than an exercise in futility.

At this point I want to quote a former senator, Senator Fielding. I have probably never quoted Senator Fielding before. I have not often agreed with him but I think he got it right on 21 June 11, when he said, in response to a question about supporting the carbon tax plebiscite bill: 'It is really just a political stunt—an expensive, glorified opinion poll—and it is not going to be binding. Tony Abbott said that even he is not going to abide by it. So it is just a total waste of taxpayers' money and I will not be involved in such a political stunt.' He said:

Seriously, why should we waste $80 million on a glorified opinion poll just because Tony has got a problem?

That was absolutely right. Spot on. Senator Fielding at that time got that completely right. It is a stunt. It is a stunt that was probably thought up on the run, as Mr Abbott is always on the run. It was a little thought bubble and it has not worked well for Mr Abbott because people have seen through it. They have seen that this is just a waste of taxpayers' money.

We now have an opposition who come into this chamber and preach fiscal responsibility when in fact their own actions demonstrate that nothing could be further from the truth. They are fiscally irresponsible. Week after week we come into this place and are faced with private members' bills put up by members of the opposition which appropriate funds, but they fail to offset these proposed new spendings with any savings measures.

In addition to that irresponsibility they are also blocking $6 billion worth of savings. Those opposite are all talk and no action when it comes to fiscal responsibility. Whilst those opposite continue to play political games and preach fiscal irresponsibility, we on this side of the chamber are getting on with the job of placing a price on carbon and taking action on climate change.
As the government has made clear, this Sunday we intend to announce the full details of our carbon-pricing plan, which will help us tackle climate change and transition Australia’s economy to a clean energy future. Whilst I have made contributions to similar debates in the past few days, I think it is important to recap the main features of the carbon price. The carbon price will only apply to the biggest polluters in the Australian economy. This means that the biggest polluters will be required to pay for every tonne of pollution they emit. As the government has made clear, this is the most effective and the cheapest way for us to build a clean energy economy. The government has also been steadfast that all revenue generated from the carbon price will be used to support households with assistance, to support jobs in the most affected industries and to invest in clean energy.

Our position on placing a price on carbon is in stark contrast to those opposite, who are far more interested in running a scare campaign and in political point-scoring than taking action on climate change. This is hardly surprising, considering those opposite are led by a number of well-known climate change sceptics. Mr Abbott's own climate change policy would cost $30 billion. It is taxpayers who would be left to foot the bill, rather than the big polluters. Under Mr Abbott's plan, households would not receive any assistance to cope with rises in the cost of living; instead, they will be hit with an extra $720 at tax time.

The government remain committed to putting Australian households first. We have already confirmed that more than 50 per cent of revenue raised from a carbon price will be used to assist households, with further details of the assistance package to be released on Sunday. We know already that the government will assist households as well as industry when the carbon price is introduced.

The government have made it clear that nine out of 10 Australian households will receive some form of assistance for their household budgets. We have also said on numerous occasions that most of those seven million households will not be worse off under a carbon price.

The government are committed to ensuring that low- and middle-income earners as well as pensioners are looked after under the government's assistance package, because we know that low-income earners are the Australians who are most exposed to cost-of-living pressures. That is why we are supporting low-income earners with a 20 per cent buffer or safety net. This means that over three million households will receive an extra 20 per cent in tax cuts and payments over and above meeting the price impact of the carbon price. We also know that self-funded retirees will require support when the carbon price is introduced. That is why we will be providing financial help for around 280,000 self-funded retirees, equal to the extra payments that we will provide to over three million pensioners, part-pensioners and carers.

We know that petrol forms a big part of the household budget, so we have announced in recent years that there will be no carbon price on any fuels, including petrol, diesel and LPG, for passenger motor vehicles and light commercial vehicles. This provides another example of a deliberately run scare campaign by Mr Abbott to mislead the public. He has been running around for months trying to scare people into thinking that petrol will be part of the carbon price, and we know now that nothing could be further from the truth. In fact, Mr Abbott has claimed more than 20 times in the past four months that the cost of petrol would rise.

Recently, the Treasurer made an address at the National Press Club to highlight the
benefits and opportunities presented to the Australian economy under a carbon price and, as part of his address, released modelling from Treasury showing that, under a theoretical carbon price of $20 per tonne, the Australian economy would still grow solidly whilst also making deep cuts to carbon pollution. This modelling also showed that employment would continue to grow with the introduction of a carbon price, with Australia on track to increase national employment by 1.6 million jobs by 2020.

As we have made clear time and again, the Labor government are committed to taking action on climate change—evidence based, appropriate action that is in Australia's best interests. That action is a carbon price mechanism. We have opted to introduce a fixed-price phase of between three and five years to begin with, because it gives businesses certainty and helps them make a smooth transition to a full emissions trading scheme. It will also give businesses the time to understand how a carbon price will affect them and give them time to change their business practices so they are better prepared for the introduction of an ETS.

We know that a carbon price will result in an increase in prices; we have been upfront about this. When you introduce a market mechanism, you have to expect that the market will respond. However, as I pointed out, under the government's plan we will provide assistance to households to offset the change in prices under the introduction of a carbon price—and, as I have mentioned, the government will not be keeping the money raised as part of the introduction of a carbon price; we will be ensuring that the money collected is used to help families and households with household bills.

The global economy is moving towards a clean energy economy. Thirty-two countries and 10 US states are already moving towards an emissions trading scheme. We cannot be left behind. We have the highest emissions per capita in the world, even higher than the United States, and for too long we have talked about taking action on climate change. We cannot delay any longer. We need to provide businesses with certainty so they can begin their transition to being part of a clean energy economy. The science behind climate change is clear: scientists are telling us that carbon pollution is causing climate change, and the government accept this science. In Australia, 2001 to 2010 was the warmest decade on record, and each decade since the 1940s has been warmer than the preceding decade. We must take action. Australia is facing huge economic costs from climate change across a range of sectors. If we do not act soon, we risk being left behind. It is essential we act now. A carbon price mechanism is essential. The carbon price will act as the primary driver of an economic transformation which will set Australia on the path towards a clean energy economy and achieve real emission reductions.

The difference between the two major parties is stark. We believe climate change is real and taking action is the right thing to do; the opposition are led by sceptics who do not believe in climate change and do not want to take real action. We want the biggest-polluting companies to pay for each tonne of carbon pollution they produce; they want to reward big polluters and make taxpayers foot the bill. We want to build a clean energy economy; they will endanger our prosperity and jobs. We want to support households and pensioners with an assistance package; they want to slug families $720 to subsidise big polluters.

The time to act on climate change is now, and that is what we will continue to do. The government believes in climate change and is committed to taking action to reduce greenhouse gas emissions by placing a price
on carbon. But we are not the only ones; many economists, community leaders, businesses and industries all believe that we need to introduce a carbon price.

In summing up, Mr Deputy President—and I congratulate the Deputy President on his appointment; I had not formally added my congratulations to the chorus of congratulations he has received—I urge the Senate to oppose this sham of a bill. I urge the Senate to see this bill for what it is: scare tactics and sham policy. It is a bill that would waste $80 million of taxpayers’ money. Tony Abbott has not even committed to accept the outcome of a plebiscite. He must have thought this bill up while he was running around the place. I urge the Senate to oppose this bill.

Senator BIRMINGHAM (South Australia) (11:39): It is an absolute pleasure to rise to speak on the Carbon Tax Plebiscite Bill 2011 [No. 2] because it is critically important. It should not be brushed off, as the Labor government is seeking to do; it should be seriously considered and it should be supported. It should be supported because there is a clear and present need for this bill to pass so as to provide a level of certainty and some opportunity for the Australian people to have a genuine, fair dinkum say on this most divisive of issues.

The Labor government, instead of fronting up to the debate around a carbon tax and engaging genuinely with the Australian people, are running scared, like a rabbit with its tail between its legs, from any proper scrutiny, proper debate and proper opportunity to be questioned and provide decent answers to the Australian people. They are running scared from the parliament—the Senate and the other place, the House of Representatives. They do not want to front up and answer questions about their carbon tax in this place.

They have been working on this carbon tax for many months, and what are they going to do now? They are going to release the details of the carbon tax two days after the parliament rises for a five-week recess rather than allow a debate to happen in this place, the people's parliament. They refuse to come into this place and answer questions on the actual detail of their scheme. For months now, they have complained about the fact that the opposition is asking questions without knowing the detail of the scheme. Time and again, we have said, 'Show us the detail. Tell us what is in this carbon tax proposal.'

But, no; they have resisted. They have drip-fed titbits of it to the media, preferably the Sunday newspapers, hoping to appease community concerns by putting positive spin on tiny parts of it. But they will not tell us, of course, what the carbon tax is actually going to be. They will not tell us what the rate of increase on the carbon tax will be. We know it is going to increase every single year, but they will not tell us by how much it will increase. They will not tell us clearly what is in and what is out. Instead we get a story, like we did in last Monday's newspapers, saying that petrol will be excluded. But we hear nothing when it comes to the crunch and they are asked, 'What does that mean? Will petrol be excluded completely? What about trucks? Will petrol be included in the carbon tax regime for the trucking industry?'

Some senators on the Labor side are willing to speak the truth on this matter. Senator Sterle and Senator Gallacher, who I see in the chamber at present, have been willing to front up to their government and say that the carbon tax will have a devastating impact on the transport sector if it is applied across the board. But Senator Wong in this place and Mr Combet and Prime Minister Gillard in the other place will not actually say which parts of the transport
sector it will affect. And it is not just trucks; what about passenger buses? What about public transport services? You would have thought the Greens would have a particular interest in negotiating the carbon tax around public transport services.

There are so many unanswered questions when it comes to this carbon tax. We are told we are going to see some detail on Sunday, and I welcome that detail, but what I would welcome even more is the opportunity to be here on Monday asking questions of the government about the detail. But, no; they will not be here—they will not be in this place and they will not be in the other place. They will not front up and answer questions on the detail of their carbon tax in the people's parliament as they rightly should. They are running scared from the parliament. In their opposition to this bill, the Carbon Tax Plebiscite Bill, we see they are also running scared from the people. It is not just the parliament they are scared of but the people's judgment as well—because all this bill would do is give the opportunity for the Australian people to have a say on the carbon tax.

Julia Gillard went to the last election solemnly promising she would not introduce a carbon tax. She said solemnly: 'There will be no carbon tax under a government I lead.' That is the most straightforward and clear-cut statement that any political leader can make in an election campaign. She made it clearly and yet she will not allow the Australian people to have a say on whether her justifications for breaking that promise are reasonable enough. We think the Australian people should have a say, and if they cannot have their say through another election to get this country back on the straight track then they should have their say through this plebiscite bill. That is why it should be passed.

We have a government that is running scared of the parliament and running scared of the people and that is based not just on one lie but on a series of lies. I mentioned before the monty of them all, the big one from the election campaign, 'There will be no carbon tax under a government I lead'—the clearest statement of them all. It is the clearest statement to be so convincingly broken as it has been by this government. It did not take long. The Prime Minister claimed that she had to break the promise because of changed circumstances. That is the full extent of her justification: changed political circumstances. Because she got a minority government in the House of Representatives, that is her justification for breaking this most solemn promise. Then she came along with some of the detail around the carbon tax and said petrol will be out and it will be out forever—except for the fact that we know that 'forever' in Ms Gillard's language is only until such time as circumstances change. So 'forever' is not worth terribly much when it comes from the Prime Minister's mouth. 'Forever' is obviously quite meaningless because it applies only until the circumstances change.

But it is not just the overall 'there will be no carbon tax' statement that is the lie dogging this government; it is the process by which they go about trying to sell it. They go about trying to sell the carbon tax by arguing that somehow Australia will be left behind the rest of the world if we do not implement a carbon tax. But what did the Productivity Commission say when asked that question? The Productivity Commission report, released just last month, said very clearly:

... no country currently imposes an economy-wide tax on greenhouse gas emissions or has in place an economy-wide ETS.

That is a statement just about as clear-cut as, 'There will be no carbon tax under a government I lead'—'No country currently
imposes an economy-wide tax on greenhouse gas emissions.’ Yet this government wants to do exactly that: impose an economy-wide tax on greenhouse gas emissions. It wants to do so claiming that somehow Australia will be left behind the rest of the world if we do not do so. The Productivity Commission say the opposite. Not only do they say that nobody else does it but they also clearly say that Australia rates around ‘mid-range’ in terms of resources allocated to abatement and abatement achieved without there being a carbon tax. ‘Mid-range’ is their description of Australia’s current efforts in relation to greenhouse gas reduction. As a middle power and a middle sized economy that is exactly where Australia should be.

We believe and the government itself claims to believe that Australia should be neither ahead of the world nor behind the rest of the world when it comes to reducing emissions. We should do our bit. To get too far ahead would be to place too much jeopardy on jobs in our economy and our industries. To be too far behind would be irresponsible. We should be doing our bit, and the Productivity Commission report found that we are doing our bit, that we are in the mid-range and that we are doing as we should do as a responsible global citizen. So, far from the situation of Australia not pulling its own weight, we are pulling our own weight.

The debate we have in this place and publicly is not about whether or not we should continue to pull our weight in reducing global emissions; it is about how to do so most responsibly. On this side we believe the most responsible way to do so is through an incentives driven approach. We believe that, rather than putting on an economy wide tax unlike anything anybody else in the world has, and churning billions of dollars—it is likely to be $10, $13, $14 billion—through the Treasury coffers, and redistributing a whole bunch of it back, some to households, some to the Greens’ pet projects and some to industry, instead you should run the country efficiently, run the budget efficiently, come up with the savings necessary and incentivise those areas of the economy that can most efficiently reduce their emissions or abate carbon. That is the best way to do it—target action where you can get the results rather than taxing the entire country.

We believe you can achieve the emissions reductions that are required and we believe you can do it by making the government tighten their belts and spending government dollars more wisely on emissions reduction activities rather than what Labor want to do, which is force every Australian household to tighten their belts with absolutely no guarantee of emissions reduction. Even Senator Wong has said that a carbon tax has no guarantees of emissions reduction. There is no guarantee you will get emissions reduction under a carbon tax. Even under their trading scheme it is quite possible that most of the reductions will come by purchasing permits offshore and you will get no emissions reduction in Australia. I can guarantee that under the coalition’s plan you will get emissions abatement in Australia and it will happen at the lowest possible cost. So let us go to the people and give them a choice. Let us pass this bill and put our trust in the Australian people to decide this debate.

The PRESIDENT: Order! The time allotted for this debate has expired.

COMMITTEES
Selection of Bills Committee
Report
Senator McEWEN (South Australia—Government Whip in the Senate) (11:52): I
Senator McEWEN: I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE
REPORT NO. 9 of 2011

1. The committee met in private session on Wednesday, 6 July 2011 at 7.23 pm.

2. The committee resolved to recommend—
   That—
   (a) the Bankruptcy Amendment (Exceptional Circumstances Exit Package) Bill 2011 be referred immediately to the Economics Legislation Committee for inquiry and report by 21 September 2011 (see appendix 1 for a statement of reasons for referral);
   (b) the Consumer Credit Protection Amendment (Fees) Bill 2011 be referred immediately to the Economics Legislation Committee for inquiry and report by 14 September 2011 (see appendix 2 for a statement of reasons for referral);
   (c) the Government Advertising (Accountability) Bill 2011 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 21 September 2011 (see appendix 3 for a statement of reasons for referral);
   (d) the Public Service Amendment (Payments in Special Circumstances) Bill 2011 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 16 August 2011 (see appendix 4 for a statement of reasons for referral);
   (e) the provisions of the Social Security and Other Legislation Amendment Bill 2011 be referred immediately to the Community Affairs Legislation Committee for inquiry and report on Schedule 3 of the bill by 15 September 2011 (see appendix 5 for a statement of reasons for referral); and

3. The committee resolved to recommend—
   That the following bills not be referred to committees:
   • Cybercrime Legislation Amendment Bill 2011
   • Schools Assistance Amendment Bill 2011
   • Tax Laws Amendment (2011 Measures No. 6) Bill 2011.

The committee recommends accordingly.

4. The committee considered the Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011 and noted that, pursuant to the resolution of appointment of the Joint Select Committee on Gambling Reform, the bill had been referred to that committee for inquiry and report.

5. The committee considered the Migration Amendment (Declared Countries) Bill 2011 and noted that the bill was discharged from the Notice Paper on 5 July 2011.

6. The committee considered the Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011 and noted that the bill had been passed by the Senate and the House of Representatives on 6 July 2011.

7. The committee deferred consideration of the following bills to its next meeting:
   • Australian Energy Market Amendment (National Energy Retail Law) Bill 2011
   • Customs Amendment (Anti-dumping Improvements) Bill 2011
   • Education Services for Overseas Students (Registration Charges) Amendment Bill 2011
   • Education Services for Overseas Students Amendment (Registration Charges Consequentials) Bill 2011
   • Excise Legislation Amendment (Condensate) Bill 2011
Excise Tariff Amendment (Condensate) Bill 2011
Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011
Horse Disease Response Levy (Consequential Amendments) Bill 2011
Horse Disease Response Levy Bill 2011
Horse Disease Response Levy Collection Bill 2011
Indigenous Affairs Legislation Amendment Bill 2011
Industrial Chemicals (Notification and Assessment) Amendment (Inventory) Bill 2011
Intellectual Property Laws Amendment (Raising the Bar) Bill 2011
Legislative Instruments Amendment (Sunsetting) Bill 2011
Migration Amendment (Declared Countries) Bill (No. 2) 2011
Responsible Takeaway Alcohol Hours Bill 2010
Superannuation Legislation Amendment (Early Release of Superannuation) Bill 2011
Tobacco Plain Packaging Bill 2011
Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011.

APPENDIX 1
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of Bill: Bankruptcy Amendment (Exceptional Circumstances Exit Package) Bill 2011
Possible submissions or evidence from:
National Farmers Federation
South Australian Farmers Federation
NSW Farmers Federation

APPENDIX 2
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of Bill: Consumer Credit Protection Amendment (Fees) Bill 2011
Possible submissions or evidence from:
ANZ
Commonwealth Bank
Westpac
National Australia Bank
St George
CHOICE
Mortgage and Finance Association of Australia
Mortgage Choice
Aussie Home Loans
Consumer Credit Legal Centre (NSW) Inc
Credit Union Australia
Abacus - Australian Mutuals Limited
ME Bank
Yellow Brick Road Wealth Management
Heritage Building Society
Genworth Financial Mortgage Insurance
Finance Brokers Association of Australia
Australian Bankers Association
Bank of Cyprus
RaboDirect

Committee to which Bill is to be referred:
Economics Legislation Committee

Possible hearing date(s):
July / August 2011

Possible reporting date:
September 14 2011
(signed)
Senator Siewert
Whip/Selection of Bills Committee member

APPENDIX 3
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of Bill:
Government Advertising (Accountability) Bill 2011

Possible submissions or evidence from:
Department of Finance and Deregulation
Auditor-General, Mr Ian McPhee
Mr Graeme Orr - Senior Lecturer, Griffith University
Professor Charles Sampford - Director, Key Centre for Ethics, Law, Justice and Governance, Griffith University
Centre for Democratic Institutions, ANU *
The Democratic Project
Committee to which Bill is to be referred:
Finance and Public Administration Legislation Committee
Possible hearing date(s): August / September 2011
Possible reporting date: 21 September 2011
(signed)
Senator Siewert
Whip/Selection of Bills Committee member

APPENDIX 4
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of Bill:
Public Service Amendment (Payments in Special Circumstances) Bill 2011

Reasons for referral/principal issues for consideration:
In undertaking the inquiry, the Committee should consider:
1. The lack of proper compensation scheme for claimants who have been disadvantaged as a result of administrative errors by Government agencies not included under the Scheme for Compensation for Detriment caused by Defective Administration (CDDA)
2. The recommendations of the Commonwealth Ombudsman in the Ombudsman's Report No 4 of 2010 in relation to discretionary payments of compensation
3. The losses caused to claimants because of administrative errors within Government agencies not covered by the CDDA scheme
4. The limited ability for claimants to seek compensation if the Government agency in question is not covered by the CDDA scheme
5. The limitations of discretionary payments in the Public Service Act 1999

Possible submissions or evidence from:
Comcare
Department of Finance and Deregulation
Commonwealth Ombudsman
Mr Barry Crush
Mr Peter Allen of Allen & Associates, Barristers and Solicitors
Australian Public Service Commission
Committee to which the bill is to be referred:
Senate Standing Committee on Finance and Public Administration (Legislation)
Possible hearing date(s):
June/July 2011
Possible reporting date:  
16 August 2011  
(signed)  
Senator Siewert  
Whip/Selection of Bills Committee member

APPENDIX 5  
SELECTION OF BILLS COMMITTEE  
Proposal to refer a bill to a committee  
Name of bill: Social Security and Other Legislation Amendment Bill 2011  
Reasons for referral/principal issues for consideration:  
Review Schedule 3 - DSP Impairment tables  
Possible submissions or evidence from:  
Department of Families, Housing, Community Services and Indigenous Affairs Centrelink  
Department of Veterans Affairs  
Review of Impairment Tables advisory committee - Jenny Pearson  
Australian Federation of Disability Organisations - Graham Douglas-Meyer  
Mental Health Council of Australia - Frank Quinlan  
Australian Council of Social Services - Peter Davidson  
Royal Australasian College of Physicians - Peter Wilkins  
Royal Australian and New Zealand College of Psychiatrists - Dr Martin Nothling  
Committee to which bill is to be referred: Senate Community Affairs Legislation Committee  
Possible hearing date(s): TBC  
Possible reporting date: Thursday 15 September  
(signed)  
Senator McEwen  
Whip/Selection of Bills Committee member

APPENDIX 6  
SELECTION OF BILLS COMMITTEE  
Proposal to refer a bill to a committee  
Name of bill: Work Health and Safety Bill 2011  
Work Health and Safety (Transitional and Consequential Provisions) Bill 2011  
Reasons for referral/principal issues for consideration:  
The Work Health Safety Bill 2011 and Work Health and Safety (Transitional and Consequential Provisions) Bill 2011 give effect to the Government's obligations under the 2008 COAG Inter-Governmental Agreement for Regulatory and Operational Reform in OHS (IGA) to implement nationally harmonised OHS laws.  
The Bills make important reforms to the regulation of occupational health and safety in the Commonwealth. Specifically, they will repeal the current Occupational Health and Safety Act 1991 and replace it with model provisions developed by Safe Work Australia and agreed by Workplace Relations Ministers' Council. There will also be provisions specific to the Commonwealth to ensure that the legislation interacts appropriately with existing Commonwealth laws.  
The Bills have been subject to extensive consultation at a national level, including with employer and employee organisations and state and territory governments. They are informed by the outcomes of an independent expert review which concluded in 2008 and also reflect the stakeholder comments made on an exposure draft released in May 2011 for a three week period.  
Possible submissions or evidence from:  
Interested stakeholders would include entities to be covered by the proposed legislation, as well as workers and their representatives.  
Committee to which bill is to be referred: Education, Employment and Workplace Relations Committee  
Possible hearing date(s): July/ August
Possible reporting date:
26 August 2011.
(signed)
Senator McEwen
Whip/Selection of Bills Committee member

BUSINESS
Rearrangement
Senator JACINTA COLLINS
(Victoria—Parliamentary Secretary for School Education and Workplace Relations)
(11:52): I move:
That government business be interrupted at 1 pm to allow consideration of the following government business orders of the day till not later than 2 pm today:
No. 3 Child Support (Registration and Collection) Amendment Bill 2011.
No. 4 Financial Framework Legislation Amendment Bill (No. 1) 2011.
No. 5 Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oil Transfers) Bill 2011.

Question agreed to.

Rearrangement
Senator JACINTA COLLINS
(Victoria—Parliamentary Secretary for School Education and Workplace Relations)
(11:52): I move:
That the order of general business for consideration today be as follows:
(a) general business order of the day no. 21 (Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010 [No. 2]); and
(b) orders of the day relating to government documents.

Question agreed to.

NOTICES
Presentation
Senator BOB BROWN: To move:
That the Senate—
(a) notes the outstanding service provided to the Parliament by the staff of the Department of Parliamentary Services, in particular, the services of Hansard, the Parliamentary Library and broadcasting services; and
(b) calls on the Presiding Officers to ensure staff are treated fairly and guaranteed pay and conditions commensurate with the services they provide to the Parliament.

COMMITTEES
Scrutiny of New Taxes Committee
Meeting
Senator KROGER: by leave—On behalf of the Chair of the Select Committee on the Scrutiny of New Taxes, Senator Cormann, I move:
That the Select Committee on the Scrutiny of New Taxes be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.45 pm.

Question agreed to.

MOTIONS
First Speeches
Senator JACINTA COLLINS
(Victoria—Parliamentary Secretary for School Education and Workplace Relations)
(11:55): I move:
That consideration of the business before the Senate on the following days be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:
(a) Tuesday, 16 August 2011—Senators Singh and Di Natale;
(b) Wednesday, 17 August 2011—Senators Gallacher and Wright;
(c) Thursday, 18 August 2011—Senator Thistlethwaite;
(d) Monday, 22 August 2011—Senator Fawcett;
(e) Tuesday, 23 August 2011—Senators Urquhart and Waters;
(f) Wednesday, 24 August 2011—Senator Rhiannon; and
(g) Thursday, 25 August 2011—Senators Edwards, McKenzie and Madigan.
Question agreed to.

COMMITTEES

Senators' Interests Committee
Reporting Date
Senator KROGER: by leave—On behalf of the Chair of the Standing Committee of Senators' Interests, Senator Bernardi, I move:
That the time for the presentation of the report of the Standing Committee of Senators' Interests on the development of a draft code of conduct for senators be extended to 28 November 2011.
Question agreed to.

Australia's Food Processing Sector Committee
Meeting
Senator KROGER: by leave—On behalf of Senator Colbeck, I move:
That the Select Committee on Australia's Food Processing Sector be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 7 July 2011.
Question agreed to.

Rural Affairs and Transport References Committee
Meeting
Senator KROGER: by leave—On behalf of the Chair of the Rural Affairs and Transport References Committee, Senator Heffernan, I move:
That the Rural Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 7 July 2011, from 4.45 pm, to take evidence for the committee's inquiry into biosecurity and quarantine arrangements.
Question agreed to.

MOTIONS

Cancer Research
Senator BILYK (Tasmania) (11:56): I move:
That the Senate notes:
(a) the release by the World Health Organization's cancer research report by the International Agency for Research on Cancer (IARC) which states that radio frequency electromagnetic fields generated by mobile phones are 'possibly carcinogenic to humans' and asserts that heavy usage could lead to a possible increased risk of glioma, a malignant type of brain cancer;
(b) the warnings of Dr Charlie Teo, one of Australia's leading brain surgeons and former Australian of the Year finalist, that 'there is an increasing body of evidence that there is an association between brain tumours and mobile phones';
(c) that the Australian Government, though the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), welcomes the report and considers that the classification by IARC corresponds to the current ARPANSA advice, including its advice on practical ways in which people can reduce their exposure to the electromagnetic fields produced by wireless telephones;
(d) that the methods to reduce exposure include:
(i) limiting call time,
(ii) preferring the use of landline phones,
(iii) using hands-free or speaker options,
(iv) texting instead of making voice calls,
and
(v) using phones in good signal areas which reduce power levels for communications; and
(e) that ARPANSA has also recommended parents encourage their children to use these methods of reducing exposure.
Question agreed to.
Franco, Dr Itamar

Senator McEWEN (South Australia—Government Whip in the Senate) (11:57): At the request of Senator Stephens, I move:

That the Senate—

(a) expresses its condolence for the death on 2 July 2011 of Dr Itamar Franco, a former President of Brazil from 1992 to 1995;

(b) notes the contribution of Dr Franco in helping set his country on its current economic trajectory, in particular, the reforms he instituted in 1993 that enabled Brazil to overcome rampant hyperinflation; and

(c) acknowledges Dr Franco's achievement in Brazilian public and political life, where he was elected a national senator for the Socialist People's Party in 2010, and his legacy of integrity, courage and hard work.

Question agreed to.

Sudan

Senator McEWEN (South Australia—Government Whip in the Senate) (11:57): At the request of Senator Lundy, I move:

That the Senate—

(a) notes that:

(i) on 9 July 2011 two new nations will emerge, the nations of South Sudan and Sudan, following an overwhelming vote for independence by voters in South Sudan's referendum for independence on 9 January 2011,

(ii) the two new nations futures are interdependent and their stability has broader regional security implications for north and east Africa,

(iii) the emerging picture confronting both new nations is dire and with significant political, humanitarian and developmental challenges as the overall security situation in Sudan is deteriorating at an alarming rate, with severe humanitarian consequences with millions of civilians in both Sudan and southern Sudan in need of protection and critical humanitarian assistance,

(iv) Sudan, after Zimbabwe, is the second largest recipient of Australia's humanitarian and development assistance and that since 2004, the Australian Government has provided $136 million to Sudan,

(v) the North/South Comprehensive Peace Agreement signed in 2005 ended more than two decades of civil war, however recent violence and outstanding issues such as border demarcation, oil sharing revenue, currency and citizenship status, are undermining prospects for peace and stability,

(vi) Sudan has the highest level overall of people remaining internally displaced according to the United Nations (UN) Office for the Coordination of Humanitarian Affairs and the highest number of people newly displaced by conflict and as a result the plight of internally displaced persons and Sudanese refugees will therefore continue to be a shared legacy of decades of conflict;

(b) expresses deep concern at the protracted nature of the conflict and displacement in Darfur, now in its eighth year;

(c) notes that:

(i) the UN estimates that 300 000 people have been killed as a result of violence, malnutrition and starvation and 4 million people are in desperate need of aid, representing nearly two-thirds of the entire estimated Darfur population of 6.5 million, and an estimated 2.5 million people live in refugee camps in Darfur and neighbouring Chad, while others struggle to survive in remote villages, and

(ii) humanitarian relief efforts to provide assistance to vulnerable populations are being hampered by limited humanitarian access in some of the most affected conflict areas, including in Southern Kordofan and Darfur, and that insecurity and inaccessibility remains one of the biggest challenges facing the delivery of assistance by humanitarian agencies to vulnerable populations;

(d) urges the Governments of South Sudan and Sudan to reaffirm their commitment to peace, conflict prevention, the inclusion of the peripheral regions and ethnic minorities in political representation and decision making, and the recognition of cultural and ethnic diversity through durable political solutions; and
(e) encourages the Australian Government to continue assistance to address humanitarian and development needs in Sudan and South Sudan.

Question agreed to.

**Daw Aung San Suu Kyi**

**Senator LUDLAM** (Western Australia) (11:58): I move:

That the Senate—

(a) notes that:

(i) Daw Aung San Suu Kyi has embarked on a tour of Burma,

(ii) Kyaw Win, the second highest-ranking diplomat at the Burmese Embassy in Washington DC, has defected because of the Burmese Government's human rights violations and sham elections, adding that the current threats against Daw Suu's life 'must be taken seriously'; and

(b) requests the Government to:

(i) monitor Daw Suu's safety and welfare,

(ii) communicate to the regime that threats of harm or incarceration to her or her entourage are unacceptable,

(iii) pledge its continued support for genuine democracy and human rights in Burma,

(iv) call for national reconciliation and dialogue in Burma, involving all stakeholders, including Daw Suu, and

(v) call for the release of all political prisoners in Burma.

**Senator McEWEN** (South Australia—Government Whip in the Senate) (11:58): I seek leave to amend general business notice of motion No. 331.

Leave granted.

**Senator McEWEN:** I move the motion as amended:

That the Senate—

(a) monitor Aung San Suu Kyi’s safety and welfare;

(b) communicate to the regime that threats of harm or incarceration to her or her entourage are unacceptable;

(c) continue to support calls for genuine democracy and human rights in Burma; and

(d) call for the release of all political prisoners in Burma.

Question agreed to.

**Sri Lanka**

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (11:59): I seek leave to amend general business notice of motion No. 323.

Leave granted.

**Senator BOB BROWN:** I move the motion as amended:

That the Senate—

(a) notes:

(i) Sri Lanka's 'killing fields', which aired on *Four Corners* on Monday, 4 July 2011, contained further shocking images of alleged war crimes committed during the civil conflict in Sri Lanka, and

(ii) that British Prime Minister, Mr David Cameron, said in response to the program on 15 June 2011 that, 'the Sri Lankan Government needs that to be investigated, and the UN needs it to be investigated. We need to make sure that we get to the bottom of what happened, and that lessons are learned';

(b) calls for allegations of war crimes committed by the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam to be investigated and verified;

(c) urges the Australian Government to press the Government of Sri Lanka to take steps for meaningful accountability in Sri Lanka for alleged violations of international human rights and humanitarian law; and

(d) calls on the United Nations Human Rights Council to review its 2009 resolution on Sri Lanka.

Question agreed to.
ORDER FOR THE PRODUCTION OF DOCUMENTS

Senator BIRMINGHAM (South Australia) (12:00): I move:

That there be laid on the table and presented to the President under standing order 166, no later than noon on Monday, 18 July 2011, non-commercial aspects of all reports and briefings prepared by the assessment panel for Australia Network tenders, as well as all correspondence between the Prime Minister, the Minister for Foreign Affairs and the Minister for Broadband, Communications and the Digital Economy, and their respective departments, regarding the tender process, potential or actual tenderers, the tenders received and any changes proposed or actual to the tender process.

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

The PRESIDENT: Leave is granted for two minutes.

Senator BIRMINGHAM: There is a terribly botched process surrounding the Australian Network tender. It is a terribly botched process that is in desperate need of having some transparency applied to it—some sunlight applied to it, as the government may say—and actually giving some idea of what has gone so, so wrong. It is important to understand that there are lives hanging in the balance, in terms of jobs and livelihoods, on this. Staff of the ABC rightly want to know why this tender process has been so delayed. This is an issue that I pursued during Senate estimates. We saw absolute obstructionism from the Department of Foreign Affairs and Trade at that time. Now, of course, it is clear why. Clearly they knew to some extent that they were about to be stripped of responsibility for this. Clearly they knew at the time that there were a number of serious problems in this regard.

This process has seen the Minister for Foreign Affairs, Mr Rudd, stripped of responsibility. Whether that is because the Prime Minister did not want the Australian Network to turn into the 'Kevin 24/7 Network', or what the process is, who knows? But we should get some transparency applied to this. We should understand whether there is a genuine concern when it comes to the conflict of interest that the Minister for Broadband, Communications and the Digital Economy may potentially have in terms of being the minister responsible for the ABC and now finding himself as the minister responsible for the Australian Network tender.

This is months behind. We have a further six-month delay, putting all the lives of ABC staff into a state of limbo as they do not know whether they will keep the contract or not, and the government comes up with some ridiculous excuse about the Middle East situation causing the delay.

The PRESIDENT: Senator Birmingham, I have shown great patience on this occasion. I draw your attention and the attention of honourable senators to the Procedure Committee second report of 2011, dated 22 June. I will quote from that:

Procedures for dealing with formal motions

The committee has considered the operation of standing order 66 on numerous occasions. Standing order 66(3) provides that a formal motion shall be put and determined without amendment or debate. It goes on to say:

Current difficulties are largely attributable to senators seeking leave to depart from these rules and the Senate granting leave, almost as a matter of course. In particular, the number of statements being made by leave in relation to complex motions leads to a de facto debate on those motions, contrary to standing order 66. This is
because senators, instead of making statements, assert views in the nature of debate by mounting arguments and responding to positions expressed by others.

It goes on to say, and I quote inter alia:

... it urges senators to pay more heed to the existing restrictions. For example, if a senator wishes to amend a notice of motion, then generally, as a courtesy to the Senate, that notice should be postponed till the next day of sitting to enable the senator to use the procedures under standing order 77 to amend the notice in writing and for the notice to appear in its amended form in the next day’s Notice Paper. Secondly, the committee encourages parties to use internal means to limit the number of senators seeking leave to make statements on motions to one from each group (Government, Opposition, Australian Greens).

I have read the whole thing for completion. I would ask honourable senators to please note that from the Procedure Committee.

Question put:

That the motion (Senator Birmingham's) be agreed to.

The Senate divided. [12:09]

(The President—Senator Hogg)

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Question negatived.

MOTIONS

Live Animal Exports

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:12): I move:

That the Senate—

(a) notes that:

(i) OIE [World Organisation for Animal Health] guidelines do not require stunning before slaughter of cattle,

(ii) without stunning, cattle can exhibit indicators of possible consciousness for up to 2 minutes after the throat is cut, leading to a slow and painful death, and

(iii) statements by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) on 21 June 2011, that Australia does not have the power to require Indonesia to stun cattle before slaughter; and

(b) calls on the Government immediately to end the live export trade of all animals given that the welfare standards which are acceptable to the Australian public and farmers cannot be guaranteed in overseas markets.
Senator XENOPHON (South Australia) (12:12): I seek leave to make a short explanation.

The PRESIDENT: Leave is granted for two minutes.

Senator XENOPHON: Whilst I support the first part of the motion, I cannot support the second part of the motion, because I believe a phased withdrawal of the live export trade over a three-year period is a preferable policy outcome. Question put.

The Senate divided. [12:14]

(The PRESIDENT: Senator Hogg)

AYES

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

NOES

Adams, J  Arbib, MV
Bernardi, C  Bilyk, CL
Birmingham, SJ  Boswell, RLD
Boyce, SK  Brown, CL
Bushby, DC  Cash, MC
Colbeck, R  Conroy, SM
Cormann, M  Crossin, P
Edwards, S  Feeney, D
Fifield, MP  Fisher, M
Furner, ML  Gallagher, AM
Heffernan, W  Hogg, JI
Humphries, G  Joyce, B
Kroger, H  Lundy, KA
Macdonald, ID  Madigan, JJ
Marshall, GM  Mason, B
McEwen, A (teller)  McKenzie, B
McLucas, J  Moore, CM
Nash, F  Parry, S
Payne, MA  Polley, H
Pratt, LC  Ryan, SM
Scullion, NG  Sherry, NJ
Singh, LM  Stephens, U
Sterle, G  Thistledthwaite, M
Urquhart, AE  Williams, JR

Indigenous Health

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:18):

I move:

That the Senate—

(a) notes that:

(i) poor kidney health is a serious and growing problem for Aboriginal people in central Australia,

(ii) the Central Australian Renal Study was commissioned as a response to the growing demand for dialysis services in central Australia, the strain on health services, the alarming health outcomes faced by Aboriginal people and the constant conflict between state, territory and federal governments over funding responsibilities,

(iii) the report of the study published on 27 June 2011 is substantially different from the draft report that the George Institute for Global Health had submitted to the Federal Government 5 months earlier,

(iv) the majority of recommendations included in the draft report do not appear in the published report, and

(v) the detailed 'action plan' featured in the draft report does not appear in the published report which includes, instead a drastically-reduced 'potential implementation scenario'; and

(b) calls on the Federal Government to show leadership and dedicate resources to implement the Central Australian Renal Services Action Plan, as presented in the draft report, including:

(i) securing agreement and assurance from all jurisdictions regarding patient flow across state and territory borders and the recognition that many patients from the central Australian region will transfer to Alice Springs in accordance with the principle of being able to obtain treatment as close to home as possible,
(ii) implementing a hub and spokes model, with a regional hub service located in Alice Springs,

(iii) identifying sites during 2011 that are suitable for conversion to in-community haemodialysis,

(iv) assessing, during 2011, the suitability of the Substance Misuse Centre in Amata and the Ngaanyatjarra Health Service renal ready room for conversion to in-community haemodialysis facilities,

(v) bringing 15 new satellite chairs online by the end of 2012, along with the phased roll-out of nurse-supported dialysis in communities, with a rigorous assessment of its efficacy, cost-effectiveness and sustainability,

(vi) establishing a chronic kidney disease registry for the cross-border region, and

(vii) developing a renal care package to provide home and community care, similar to the Extended Assistance for Care in the Home package.

Question agreed to.

NOTICES

Presentation

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12:18): by leave—I give notice that, on the next day of sitting, I shall move:

That the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) investigate the direct or indirect ramifications for Australia of the criminal matters affecting the United Kingdom operations of News International Limited and report back to the Senate.

BUDGET

Consideration by Estimates Committees

Senator McEWEN (South Australia—Government Whip in the Senate) (12:18): I present additional information received by committees relating to estimates as listed at item 8 on today's order of business.

Community Affairs Legislation Committee—4 volumes

Economics Legislation Committee—2 volumes

Education, Employment and Workplace Relations Legislation Committee—1 volume

Environment and Communications Legislation Committee—1 volume

Finance and Public Administration Legislation Committee—3 volumes

Legal and Constitutional Affairs Legislation Committee—1 volume

Rural Affairs and Transport Legislation Committee—1 volume

COMMITTEES

Publications Committee

Report

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (12:18): I present the 7th report of the Publications Committee.

Ordered that the report be adopted.

Electoral Matters Committee

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (12:19): On behalf of the Chair of the Joint Standing Committee on Electoral Matters, I present the committee's report of the inquiry into the conduct of the 2010 federal election and matters related thereto, and move:

That the Senate take note of the report.

This report continues the tradition of examining and reporting on the conduct of federal elections and relevant legislation which has been carried out by the Joint Standing Committee on Electoral Matters and its predecessor, the Joint Select Committee on Electoral Reform, since 1983.

The 2010 federal election was the first winter election since 1987, which created some challenges for the Australian Electoral Commission, the AEC, in terms of the
locations to be serviced, due to the increased mobility of electors during this period. The High Court decision in *Rowe & Anor v Electoral Commissioner & Anor* reinstating the seven-day close of rolls period, and the Federal Court's decision in *Getup Ltd v Electoral Commissioner* regarding the use of electronic signatures, also impacted to varying degrees on the election and its conduct by the AEC. The Rowe case enfranchised almost 100,000 electors, including 57,732 new electors who would otherwise have lost their voting franchise. The decision highlighted the need to protect the democratic right of Australians to participate in choosing their representatives as provided for in the Constitution. This committee has a role to play in assisting to enfranchise eligible Australians. Making enfranchisement a priority does not mean that the integrity of the role is compromised.

The committee has made some 37 recommendations in this report to help protect the enrolment and voting franchise of Australians and to make other changes to improve the conduct of future elections. Overall, the AEC delivered a highly professional and independent service in its conduct of the 2010 federal election. However, there were regrettable incidents in the divisions of Boothby in South Australia and Flynn in Queensland where thousands of votes could not be counted due to polling official error. The committee trusts that these were mistakes which the AEC has learned from and that it will act to prevent any such occurrences in the future. The level of electoral participation at the 2010 federal election was of particular concern. AEC figures indicate that 3.1 million Australians, or 20 per cent of the eligible population, were either missing from the roll, were not marked off a certified list so presumably did not vote, or cast a vote that did not meet the formality requirements for a valid vote under the Commonwealth Electoral Act. This means that a significant proportion of eligible Australians are not exercising their franchise.

Eligible electors do have a duty to enrol for federal elections by completing an enrolment form and submitting it to the AEC and to notify the AEC of a change of address. However, it is sensible to recognise the changing nature of how Australians choose to interact with government and business. People increasingly expect to be able to conduct their professional and personal business electronically and effectively. The paper form and the post box are gradually going out of fashion.

AEC enrolment activities are necessary and must continue but they have not been effective in achieving growth in the Commonwealth electoral roll at the same rate as the growth in eligible electors. To help address this the committee supports direct enrolment and the updating of electoral details based on data received from trusted sources. This is not a panacea to the problem of the decline in electoral participation but rather another tool for the AEC to utilise when it performs the important role of its maintenance function.

Another issue the committee considered is where some eligible electors who have enrolled and believe they are on the roll turn up to vote and cannot be found on the certified list. This may be due to an error by a polling official or their having been removed from the roll as a result of the objection process the AEC is required to undertake. Electors not found on the list can cast a provisional vote. At the 2007 and 2010 elections, due to the stricter requirements introduced by the former government in 2006, even if an elector was found to be on the electoral roll, for their vote to be admitted to the count they still had to
provide proof of identity on polling day or in the week following. However, those electors who had been removed as part of the AEC objection process on the basis that they were not resident at the enrolled address could not be reinstated even if they were still residing at that address.

At elections prior to the 2006 change, after the required checks to ensure an eligible elector was duly enrolled or could be reinstated if they had been removed in error, their vote could be admitted to the count. This meant that roughly 50 per cent of provisional votes at the elections between 1996 and 2004 were admitted. However, the stricter requirements for proof of identity and the prevention of reinstatements saw the percentage of votes rejected increase to over 80 per cent. In 2010 there were 166,148 provisional votes rejected and only 37,340 admitted. In contrast, at the 2004 federal election, prior to the tightening of restrictions, 90,366 provisional votes were rejected and 90,512 were admitted to the count. The government has since legislated to remove the proof of identity requirements that have contributed to the increased rejection of provisional votes. The committee feels that the government must go further to address this matter and enable the AEC to reinstate eligible voters to the roll if they were removed in error and also that their votes should consequently be admitted to the count.

Another matter of concern to the committee was the high number of informal votes at the 2010 federal election. The House of Representatives informality rate was 5.55 per cent, or 729,304 votes, an increase of 1.6 per cent, or 218,482 votes, on the 2007 federal election. The committee has considered the options presented by participants to reduce the impact of informality. After careful consideration the committee has recommended the adoption of a savings provision based on that used in South Australia. The committee notes that the system has been used in South Australian House of Assembly elections since 1985 and has saved many votes which would otherwise have been informal. The committee is particularly attracted to the system because it reinforces compulsory preferential voting, prohibits advocating other than full preferential voting and is transparent in that the ticket must be lodged with the Electoral Commission and was designed by electoral administrators, not politicians. The South Australian ticket voting system, if applied to the House of Representatives ballot papers, could save a significant portion of informal votes. For the 2010 federal election this could have been as much as 42.12 per cent, or 307,156 votes, assuming that all relevant candidates had followed the appropriate procedure and lodged tickets with their preferences.

Australians expect that participation in the electoral process is accessible, convenient and does not impede their ability to go about their business. At the same time, it is fundamental to ensure accuracy, secrecy and integrity in the enrolment, voting and counting processes. These competing demands must be satisfied in such a way that the electoral process remains inclusive by preserving the high levels of integrity necessary to ensure continued trust and acceptance of election results. The committee has sought to achieve such an outcome with the recommendations made in this report.

I take this opportunity to thank my fellow committee members for their contribution to the inquiry and those who participated by making submissions or appearing at public hearings. I would also like to thank the committee secretariat for their assistance. I commend the report to the Senate.
Senator RYAN (Victoria) (12:28): I would like to begin by thanking the secretariat for the extraordinary effort in getting this report out under a very tight time line. With the changeover in the Senate and the Senate sitting this week and a number of other committee reports due, the secretariat did an extraordinary job of incorporating the changes. I think all committee members would accept that. I would like to express my personal thanks as well.

The report, as Senator Brown has outlined, is quite comprehensive. But it contains some very troubling recommendations, and I will emphasise several of them this afternoon. What Senator Brown referred to as 'vote saving' is nothing short of vote theft—and I will go into that in more detail. I would like to highlight that it was not the committee as a whole that made this contentious recommendation; it was merely the Labor members of the committee and occasionally a Greens member of the committee as well. One of the contentious but recurring recommendations from the Labor members of the committee would effectively prohibit political parties from processing postal vote applications. There has been no demonstrated need to prohibit political parties from being able to process postal vote applications before they are forwarded to the AEC. There are no examples of people missing out on votes. There are no examples of these being withheld. It is merely something that supports the agenda of the Australian Labor Party and the Greens. In particular, there is a proposal to have only the AEC process postal vote applications and then put a list up on the website so that people like the Greens or the ALP who do not go to the trouble of trying to encourage voters to use postal votes—those who may not be able to access a polling booth on election day or who may not be able to access a pre-poll facility—can see all the details of those voters on the website and the ALP or the Greens can target specific voters for their political interests. This also poses a real security risk. Do we want to be posting on a website details of people who have applied for postal votes weeks out from an election with a high correlation between applying for a postal vote and people going away? This is effectively a sign that their homes will be empty, yet there was no consideration of those issues when this was proposed and when this proposal was challenged by members of the opposition.

The ALP majority have again tried to recommend what they now refer to as direct enrolment. Direct enrolment on the Australian electoral roll is by someone complying with the law and filling out a very simple form, signing it, having it witnessed and then it being placed on the electoral roll. That is the obligation of every Australian citizen and others on the electoral roll, but it is not good enough for the Labor Party. They want to be able to take data from databases like drivers licences and high schools and add people to the electoral roll automatically. They say they will check this by SMS, email or letter, but if you do not return it they will assume it is okay. Let us outline the perverse nature of this. If they send you a letter to an address they have which is incorrect, by virtue of you not returning it they will deem the address to be okay—that it is a correct enrolment and you will be added to the electoral roll. Not only does this profoundly undermine the integrity of the electoral roll through using databases that are not fit for purpose but also this removes the paper trail we have to protect the electoral roll when there are cases of voter fraud.

At the moment one must actually sign a form. That form is kept physically and electronically and when people use provisional or postal votes their signatures
can be compared. We have had seats in this place in recent years decided by fewer votes than members of a footy team, yet the Labor Party is intent for its own purposes on conscripting people to the electoral roll using databases that are not fit for purpose and not having any process in place to ensure the integrity of the roll is retained. It is disappointing to the opposition that the Australian Electoral Commission expressed some support for that measure, because it is by its nature very contentious.

I have a couple of statistics that were highlighted in the previous opposition minority report on this issue and that we have restated today. A 1999 report by the House of Representatives Standing Committee on Economics, Finance and Public Administration—this is outlined on page 183 of the minority report—found that in an ANAO report there were 3.2 million more tax file numbers than people in Australia at the previous census and there were 185,000 potential duplicate tax records for individuals. Also, 62 per cent of deceased clients were not recorded as deceased in a sample match that the ANAO undertook. This is the data that the ALP wants to use to enrol people to vote. Even though people fill out much more complex forms to access Centrelink payments or vaccinations or put the kids in school, the little DL sized form that we ask people to write their name and address on and sign and have witnessed is apparently too much to get people to enrol.

But that is not the worst proposal outlined here. What Senator Carol Brown euphemistically referred to as the South Australian ticket vote model is nothing short of vote theft and institutionalised fraud. Let me tell you what will happen under this. After you have been conscripted and enrolled without any choice, potentially at an incorrect address, you have the right under Australian law to cast an informal ballot. We require you to turn up; we do not stand over your shoulder to make sure you cast a formal ballot. However, if you decide just to tick a box knowing your vote will be informal, what the Labor Party now wants to put before the House of Representatives is that if you just mark a vote for a minority party or the Greens or an Independent, for example, that vote can then be counted according to the how-to-vote card of that particular candidate. What you call—

Senator Carol Brown: That's what happens for the Senate.

Senator RYAN: It has nothing to do with the Senate, Senator Brown, and this is the difference. For the Senate the Australian Electoral Commission are required to publish details of where those votes go. Everyone knows that when you vote '1' above the line those votes are distributed. Copies are available from the AEC at polling stations and they are on the website. They are publicly available, yet what you want to do is prohibit the people being told this is what is going to happen. At the same time as you want to count votes that are not marked on a ballot paper, you want to prohibit people from being told that is exactly what will happen. You want to make it illegal. This is institutionalised voter fraud, because you want someone to be able to mark a box and then count votes that are not on a ballot paper. We could hold these ballot papers up—we are not talking about dimpled chads; we are talking about empty squares that you are going to count as votes for the House of Representatives.

This represents a new low, even for the Labor Party. We in the opposition will oppose this with every breath in our body. If you are serious—and I make these comments personally—about removing informal votes, then you move to an optional preferential voting system. An optional preferential voting system allows any mark on a ballot
paper to be counted and you can tell people they can mark it with a tick, a cross, a '1' or '1', '2', '3', '4'—whatever you choose. Yet what the Labor Party is proposing is for voters to put a tick on the ballot paper and we will count it according to what the political party in the House of Representatives wants.

Accuse me of being cynical, but I think this might have something to do with the current political morass the Labor Party find themselves in. With Labor's alliance partners now sitting on the same side of the chamber, the Australian people know that the Greens-Labor governing alliance is a reality. But I think the Labor Party are concerned because what really worries them is that at the next election, just like the rest of the Australian people, their alliance partners and their voters may not be willing to follow through on the deals that people like Senator Bob Brown have made with leaders of the Labor Party. This is an attempt to grab more Greens votes where preference for the Labor Party is not expressed. Where a ballot paper is left blank of anything other than a single mark, like a '1' or a tick, what the Labor Party wants is to be able to count that. It does not pass the sniff test the Australian people will apply to free and fair elections because you cannot count votes that are not written down on paper. You cannot count a number or a preference when it has not been written down. This shows the desperate lengths to which the Labor Party will go to try to maintain an electoral advantage despite the Australian people repudiating it and its agenda.

The opposition will oppose these measures and support the others that we have outlined in a minority and dissenting report. We will oppose those measures that put the integrity of the roll at risk and that remove the duty for people to enrol personally. We will oppose the use of databases that we know are flawed. Most importantly, we will protect the integrity of the secret ballot in Australia and we will count votes when they are marked. We will not count empty squares as votes. This needs to be stopped to ensure public faith in our electoral system is maintained. I seek leave to continue my remarks.

Leave granted.

Senator IAN MACDONALD (Queensland) (12:38): I was curious to hear the senator who tabled the report indicate that we were taking away the need to identify oneself to be enrolled. I have not read the report but I will read that with some interest to see what justification there could possibly be for that.

Briefly, I wanted to thank the AEC both here in Canberra and in Brisbane for their courtesy in making time to talk to me about the way electoral boundaries are drawn. I have had a particular concern about the way that the boundaries are drawn in my state of Queensland, particularly in the north. In the electorate of Herbert, which is based on Townsville, a city of 200,000 people—which is very vibrant and is going ahead—one of the almost inner-city suburbs is now part of the electorate of Dawson, which is based on the city of Mackay, some 400 kilometres south.

I know these sorts of things happen, but it is ridiculous that people who live in the suburb of Annandale in Townsville, not a couple of kilometres away from the electorate office of the federal member for Herbert, Ewen Jones—an excellent, active, energetic and caring representative—actually do not go to Ewen Jones for assistance in the city of Townsville; they go to Mackay, some 400 kilometres south. I know you have to get the numbers right but it does seem stupid.

It is even more silly when you look at the seat of Dawson, which is based on Mackay
and goes right up through the Whitsundays, Bowen, Ayr and Home Hill, where I live, and into the inner suburbs of Townsville. It is well represented now by Mr George Christensen. He is another very energetic, able and caring member who gets around the whole electorate. He has to do all of that. Pioneer Valley, which is five kilometres behind Mackay—and the community of interest between Pioneer Valley and Mackay is very old—is not in his electorate. That is in the electorate of Capricornia, based on Rockhampton, which is 300 kilometres to the south. Again, five kilometres from George Christensen’s office there is a part of the Mackay community that he does not represent. If that community want some assistance in federal matters they either come to me as a senator based in the general vicinity—and many of them do—or they go to Kirsten Livermore who is the Labor member for the seat of Capricornia. She is a nice enough lady but is not very active in what she does, I must say. That is why a lot of people from her electorate come to me—they do not seem to get much assistance from the sitting member.

Again, it is a silly situation wherein she has to travel 300 kilometres through Mackay and then up the Pioneer Valley. It is compounded when looking at the town of Gracemere, which is part of the Rockhampton area. It is about 10 kilometres from Kirsten Livermore’s electorate office but it is not in the electorate of Capricornia; it is in the electorate of Flynn—well represented by Mr Ken O’Dowd, a very active, able and caring member. That is about 110 kilometres from his office. It is compounded further by Flynn now taking in that part of Bundaberg, another substantial regional city, which is—do not hold me to this—about 200 kilometres south of Gladstone. Mr O’Dowd looks after that whereas the member for Hinkler, Mr Neville—another very active, caring and able member—lives in the Bundaberg area but half of the major town of Bundaberg is in the electorate of Flynn based, on Gladstone.

When you go further south, the electorate represented by Mr Warren Truss used to very capably contain Hervey Bay, which Mr Truss lives quite close to, but that is now represented by Mr Neville. Mr Truss’s seat now takes in the northern sunshine tourist mecca of Noosa. That is very well represented by Mr Truss, but one wonders what the community of interest is.

I know these things are difficult, and I have raised this issue with the Joint Standing Committee on Electoral Matters and another committee and I have also raised it at estimates. I thank the AEC for explaining it to me and going through the figures with me, particularly the CEO of the AEC in Queensland. I spent some time with her. She is getting me some figures. I understand the difficulties, but anyone listening to this might be able to understand that it is unfortunate when parts of communities so close to substantial regional cities in Queensland are represented by someone who quite a way south. So I thank the AEC for explaining it to me. I know it is not their fault as such, but we really have to look at something where you can get communities of interest in situations like that which now applies in those seats up along the Queensland coast. Of course, the boundaries did not make much difference to the result. It was a fabulous result for the LNP in Queensland. All of those seats, with the exception of Capricornia, went to LNP candidates, and in Capricornia there was an eight per cent swing against the sitting member by the LNP candidate Michelle Landry, who conducted a magnificent campaign. I am not complaining that the boundaries had any particular significance, but it is just unfortunate for people in those localities to find that their local member of
parliament is 200, 300 or 400 kilometres away.

**Australian Commission for Law Enforcement Integrity Committee Report**

**Senator IAN MACDONALD** (Queensland) (12:46): On behalf of the Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity I present the final report of the inquiry into the operation of the Law Enforcement Integrity Commissioner Act 2006 together with the Hansard record of the committee’s proceedings and documents received by the committee.

Ordered that the report be printed.

**Senator IAN MACDONALD:** I move:

That the Senate take note of the report.

Firstly, I thank the committee secretariat for the great work that they do in looking after this committee and the research that they put into it. I also want to thank the chair of the committee, Melissa Parke, and also the members of the committee. Perhaps I should not identify individuals but I do want to mention Senator Stephen Parry, who is a very keen member of that committee and brings some expertise into the operations of the committee. There are also a number of other members of that committee who have a background in law enforcement and bring great knowledge to the committee and the work that it does.

Over the last two years, the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity has been conducting an inquiry into the operation of the Law Enforcement Integrity Commissioner Act 2006, fulfilling a statutory requirement within that act for such a review to occur. The final report adds to existing recommendations made in an interim report tabled in February last year. The committee is pleased that one of those recommendations—the addition of the Australian Customs and Border Protection Service to ACLEI's jurisdiction—has been accepted by the government. The committee looks forward to the government's response to further recommendations we made in both the interim report and the final report.

The committee undertook a visit to Darwin and was hosted there by the Australian Customs and Border Protection Service. Mr Phil Moss, the Law Enforcement Integrity Commissioner, was also invited to come along. The committee is very appreciative of the way they looked after the commissioner and the committee, and gave the committee a bit of an understanding of some of their roles and procedures, which is important because Customs is now part of the ACLEI process.

The committee has continued to consider the extent of ACLEI's jurisdiction, endorsing a corruption risk based approach. In essence, the committee agrees that those agencies with the highest potential corruption risk should be subject to ACLEI's oversight, ensuring the application of measures and resources that are commensurate with the corruption risk. The committee has recommended the establishment of a second tier of jurisdiction within the LEIC Act, for agencies assessed to be of intermediate risk. Whilst law enforcement agencies with a higher corruption risk—that is, the AFP, the Australian Crime Commission and Customs—would continue to be subject to full ACLEI oversight, second tier agencies would be subject to a more limited relationship with ACLEI. This arrangement would enable limited corruption oversight of agencies with medium corruption risk, while preserving ACLEI's effectiveness and ability to manage with the appropriate resources. ACLEI would have the opportunity to establish a relationship with medium-risk
agencies with a law enforcement function, building resistance to corruption through education, awareness raising and ongoing communication. ACLEI would also develop a greater understanding of the corruption risk profile of medium-risk agencies.

Based on the evidence provided during the course of the inquiry, the committee recommends that, at minimum, the Australian Tax Office, CrimTrac, the Australian Transaction Reports and Analysis Centre, the Australian Quarantine and Inspection Service and the Department of Immigration and Citizenship be included in a newly established second tier jurisdiction.

I am conscious that there are other members who want to speak to the report, so I will shortly be seeking leave to have the remainder of my speech incorporated in Hansard. In concluding my verbal remarks, I again thank the secretariat, the committee members and the commission itself. The commission is doing a fabulous job. It is a relatively new arrangement. We have been to see the commissioner and his staff at work to get a better understanding of that. They do a fabulous job and my best wishes and congratulations go to them. Again, my thanks to the committee. I seek leave to have the remainder of my speech incorporated in Hansard.

Leave granted.

The remainder of the speech read as follows—

The committee has also proposed a relationship between ACLEI and non-law enforcement related Commonwealth agencies that capitalises on ACLEI's unique experience and understanding of corruption issues. This includes continued collaboration, with the potential, in certain circumstances, for any agency to request ACLEI's assistance in a corruption investigation. In making these recommendations, the committee has not alleged the existence of widespread or serious corruption in second-tier agencies or the broader Public Service. Commonwealth agencies take their governance and accountability requirements very seriously. However, the potential for corruption suggests the need for, at the very least, a limited relationship with ACLEI. The committee has endorsed an integrity approach that understands that, where incentives for corrupt behaviour exist, the potential for corruption cannot be ignored. For this reason, the committee continues to emphasise the need for enhanced corruption detection and prevention measures.

In enhancing the operation of the LEIC Act, the committee has also recommended that the definition of corruption be further developed so as to provide a more detailed and comprehensive description of potential corrupt conduct for the purposes of the act. The committee considers that further definition of the term would provide greater clarity to the anti-corruption work conducted by ACLEI, while serving to more effectively delineate corruption issues from issues better handled by other agencies.

Finally, the committee considered the large amount of evidence provided in relation to broader issues of Commonwealth-wide integrity, including suggestions for greater coordination of existing integrity agencies and the possible establishment of a Commonwealth integrity commission. While the current efforts of agencies including the APSC, the Commonwealth Ombudsman, the ANAO and ACLEI contribute to Commonwealth integrity, the committee has been left with the impression that more needs to be done.

In conducting the inquiry, the committee received evidence that suggested the need for anti-corruption measures that extend beyond narrowly defined law enforcement functions to all public sector agencies and actors. The committee has therefore recommended that the government conduct a review of the Commonwealth integrity system, with particular examination of the merits of establishing a Commonwealth integrity commission. The committee is mindful of the need to retain ACLEI's dedicated law enforcement role in any future arrangements.

Senator PARRY (Tasmania—Deputy President and Chairman of Committees)
Having been on the committee for the duration of this inquiry I also wish to make some remarks in relation to the report. I endorse the remarks of Senator Macdonald and commend the report to senators and members to read.

I want to address my remarks to one particular recommendation, recommendation 5. This recommendation has the prospect, if the government wishes to adopt it, of extending the tenure of a serving Law Enforcement Integrity Commissioner by a maximum of two years. Currently, the act provides for a five-year maximum tenure of the Law Enforcement Integrity Commissioner. I was involved with the original drafting of the bill with the then justice minister, Minister Ellison. The purpose of the five-year tenure was obvious. Someone in charge and responsible for the integrity commission could become susceptible to corruption if left in a job for a long tenure. This was one way of alleviating that potential. I think it is very healthy to have a turnover of commissioners.

However, one thing that the original drafters—and the committee, when we started—did not look into thoroughly was what happens if the commission is going through a stage of expansion, as Senator Macdonald has just highlighted in relation to bringing other in other jurisdictions at a second-tier level. The commission has been growing since its inception, after the act was promulgated in 2006. However, not having that provision could restrict and severely dampen or even harm the reputation of the commission. Therefore the committee in its wisdom has decided to recommend that a further two-year tenure be allowed.

In doing that the committee has also put some great checks and balances in place. Firstly, the minister must recommend it to the Governor-General and, secondly, the parliamentary joint committee must also approve an extended tenure of two years. I think that is a great measure, simply because if the minister of the day, for whatever reason, extended the integrity commissioner's tenure—the minister may just decide to do that, although I know ministers look at things far more judiciously than that—the committee would have another right of veto. So, if the committee, with its closer involvement with the integrity commissioner, felt that that was an inappropriate extension, the committee could veto that.

I think that lovely safety valve within the recommendation warrants the government considering this recommendation and adopting it, in the event that it may be needed. It may never be needed; however, it would be there and the commission would not suffer if we could extend the tenure of the commissioner where the circumstances warranted it.

That is all I wish to add to the record so that people, when reading these recommendations, have a greater understanding of the thought and the work behind that particular recommendation. I thank the Senate.

BILLS

Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011

Returned from the House of Representatives

Message received from the House of Representatives returning the bill without amendment.

Customs Amendment (New Zealand Rules of Origin) Bill 2011

Indigenous Education (Targeted Assistance) Amendment Bill 2011

Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Amendment Bill 2011
Offshore Resources Legislation Amendment (Personal Property Securities) Bill 2011


First Reading

Bills received from the House of Representatives.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (12:57): These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion in relation to the listing of the bills on the Notice Paper. I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (12:58): I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

CUSTOMS AMENDMENT (NEW ZEALAND RULES OF ORIGIN) BILL 2011

The Customs Amendment (New Zealand Rules of Origin) Bill 2011 implements changes to Article 3 of the Australia–New Zealand Closer Economic Relations Trade Agreement, commonly referred to as the ANZCERTA.

The ANZCERTA has been a remarkable success. It is Australia’s longest standing bilateral free trade agreement, having been in force since 1983. It is a wide ranging agreement that provides Australia and New Zealand with liberal access to each other’s goods and services markets. The World Trade Organization recognised it as “one of the world’s most comprehensive, effective and multilaterally-compatible free trade agreements”.

Australia and New Zealand provide duty free access to each other’s goods that meet the rules of origin requirements in the ANZCERTA. On 1 January 2007, the ANZCERTA rules of origin provisions underwent significant change to allow both the ‘change in tariff classification’ and the ‘regional value content’ methods to determine origin of goods. As part of the 2007 amendments to the ANZCERTA, both countries also agreed to conduct a review of the new rules of origin within three years of these new rules taking effect. This review, commenced in late 2008 and completed in March 2010, resulted in changes to the text of ANZCERTA Article 3 ‘Rules of Origin’ and the related Product Specific Rules in Annex G to the ANZCERTA. Amendments to the Customs (New Zealand Rules of Origin) Regulations 2006 will implement the changes to Annex G.

The changes to the ANZCERTA, implemented domestically through this Bill and amendments to the Customs (New Zealand Rules of Origin) Regulations 2006, will reduce the administrative burden on businesses, facilitate the eligibility for duty free entry of goods into both markets, and provide greater consistency between the ANZCERTA Rules of Origin and those of other trade agreements negotiated by Australia.

INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2011


The Bill amends the Indigenous Education (Targeted Assistance) Act 2000 to extend the existing funding arrangements, including indexation arrangements, for the 2013 calendar year.

The Government is conducting a Review of Funding for Schooling due to report in 2011.
While the Review is focused on the mainstream, there may be implications for the design and operation of the closely complementary programs run under the Act. This extension will allow sufficient time for the Government to implement any changes arising from the Review, while also meeting its responsibilities around proper planning, engagement, consultation and change management with Aboriginal and Torres Strait Islander people, communities and funded organisations.

The Bill confirms the Australian Government’s commitment to review all funding arrangements for schooling, including in relation to the Aboriginal and Torres Strait Islander education-focused programs which are run under the Act.

The Australian Government is committed to Closing the Gap on Indigenous disadvantage, this extension will facilitate consideration of the findings of the Review and the best way to utilise the funding under the Act to support improved educational achievement for Aboriginal and Torres Strait Islander people.

The Bill will also formalise a number of previous decisions of Government, in relation to the mechanisms for the delivery of a number of initiatives related to Aboriginal and Torres Strait Islander education.

**OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE (REGISTRATION FEES) AMENDMENT BILL 2001**

This Bill amends the Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Act 2006 (the Registration Fees Act).

The amendments are consequential to the amendments in the Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011 (National Regulator Bill).

The National Regulator Bill establishes a National Offshore Petroleum Titles Administrator (NOPTA) to administer titles and to advise the Joint Authorities on key petroleum title decisions. NOPTA will replace the seven Designated Authorities as the titles administrator for Commonwealth waters.

This Bill will replace references to the Designated Authority in the Registration Fees Act with references to the Titles Administrator.

The National Regulator Bill makes provision for the registration fees collected under this Act to be retained to recover the costs of establishing NOPTA and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). Following the recovery of these establishment costs, expected in 2013, the 1.5 per cent registration fee will be scrapped and replaced with a cost recovery fee which reflects the actual cost of administration with the required expertise. This will create significant savings for the industry.

**OFFSHORE RESOURCES LEGISLATION AMENDMENT (PERSONAL PROPERTY SECURITIES) BILL 2011**


The Personal Property Securities Act 2009 establishes a single national Personal Property Security Register which, while yet to commence operation, is to become the primary register of personal property security interests throughout Australia. Commonwealth legislation, including the Offshore Petroleum and Greenhouse Gas Storage Act 2006 and the Offshore Minerals Act 1994, is not automatically affected by the Personal Property Securities Act 2009. However, it is stated Commonwealth policy that, in order to remove duplication and increase clarity, existing approval and registration requirements for personal property securities, and dealings in these securities, are either removed from Commonwealth Acts so that Personal Property Securities Act 2009 registration requirements only will apply, or that the Personal Property Securities Act 2009 is expressly excluded from application to personal property under relevant Commonwealth Acts dealing with personal property and interests in personal property.

Chapters 4 and 5 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 relate to registration of transfers of, and dealings in,
petroleum titles and greenhouse gas titles respectively. Chapter 3 of the Offshore Minerals Act 1994 relates to registration and dealings for offshore minerals titles.

Under these registration requirements in the Offshore Petroleum and Greenhouse Gas Storage Act 2006, the regulator has the ability to refuse to approve a dealing in relation to a petroleum title, and the responsible Commonwealth Minister has the ability to refuse to approve a dealing in relation to a greenhouse gas title. This ability to refuse approval and registration of an interest underpins the purpose of the registration requirement, to enable the Australian Government to ensure the suitability of the entities that potentially are able to exercise control over the exploitation of Australia’s offshore petroleum resources. There is no such approval mechanism contained in the Personal Property Securities Act 2009 as a precursor to registering an interest on the Personal Property Security Register. By not excluding the Offshore Petroleum and Greenhouse Gas Storage Act 2006 from the Personal Property Securities Act 2009, the situation could conceivably arise whereby a dealing refused under the Offshore Petroleum and Greenhouse Gas Storage Act 2006 could in fact be registered in the Personal Property Security Register – which could lead to legal confusion over the standing of the security interest.

Further to this, State and Northern Territory governments have advised the Commonwealth that they are electing to opt out of or exclude the operation of the Personal Property Securities Act 2009 for their onshore mining schemes.

Therefore excluding application of the Personal Property Securities Act 2009 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006 and the Offshore Minerals Act 1994 is important to ensure consistency between the onshore and offshore mining regimes, and minimise a potential regulatory burden and costs to the mining industry and its investors in complying with different registration requirements, potentially skewing investment between onshore and offshore, and having to keep abreast of developments.

This Bill will ensure that the Australian community does not bear the cost of regulating the offshore oil and gas activities while reducing unnecessary regulatory burden and cost on industry.

This Bill amends the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 to provide for the imposition of two new types of levies:
- An annual titles administration levy, for each year of the term of the title.
- An environment plan levy to be imposed on a titleholder when an application is made for either acceptance or revision of an environment plan.

Through these levies the new National Offshore Petroleum Titles Administrator (NOPTA) and the expanded National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) will recover their operating costs from industry respectively.

This Bill is complementary to National Regulator Bill which I spoke to earlier, and is also consistent with the first Regulatory Levies Measures No.1 Bill of 2011 which enabled NOPSA to recover the costs of regulating offshore wells and well operations.

NOPSEMA and NOPTA are to be funded on a full cost recovery basis with levies raised from the offshore petroleum and greenhouse gas storage industries. The level of these fees will be subject to a full cost recovery impact statement, to ensure they are consistent with the Australian Government Cost Recovery Guidelines and provide increased transparency and the true cost of regulating the offshore oil and gas industry.

The fees to recover the establishment and expansion costs for NOPTA and NOPSEMA have already undergone a cost recovery impact statement process including stakeholder consultation in April and May 2011. A further cost recovery impact statement process will be undertaken in the second half of 2011 to
determine NOPTA’s and NOPSEMA’s ongoing operating costs in regulating after 1 January 2012.

This reform will ensure that relevant regulatory expertise is available in offshore areas on a cost recovery basis from industry. In addition, industry will have transparency in how its cost recovery fees and levies are calculated and used.

Debate adjourned.

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

Ordered that the Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Amendment Bill 2011, the Offshore Resources Legislation Amendment (Personal Property Securities) Bill 2011 and the Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies Legislation Amendment (2011 Measures No. 2) Bill 2011 be listed on the Notice Paper as one order of the day and that remaining bills be listed as separate orders of the day.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee
Report
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (12:59): Pursuant to order and at the request of the chair of the Community Affairs Legislation Committee, Senator Moore, I present a report on the 2011-12 Budget estimates, together with the Hansard record of the committee’s proceedings and documents received by committee.

Ordered that the report be printed.

BILLS
Child Support (Registration and Collection) Amendment Bill 2011
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (13:00): I rise to speak on the Child Support (Registration and Collection) Amendment Bill 2011. This bill makes minor amendments to the Child Support (Registration and Collection) Act 1988 to allow the Child Support Registrar to delegate powers that would permit the outsourcing of particular services, such as debt collection. It also amends a number of criminal penalty provisions to help ensure successful prosecution where wrongdoing is found and to underpin the integrity of the Child Support Scheme.

The Child Support Agency is required to collect outstanding child support debts; that is part of their core business. At present there are a range of ways that the CSA can recoup outstanding debts from parents who refuse to pay child support. This bill will expand the avenues that the Child Support Registrar can pursue for debt collection. In particular, it
will allow the registrar to outsource debt collection activities to specialised debt collection services. Centrelink already has an existing capacity to outsource to specialist debt collector services, but this bill will give the Child Support Registrar similar powers. This measure is designed to increase the successful collection of child support liabilities owed by parents who have refused to pay.

Item 5 of the bill is intended to make clear that an employer who fails to deduct child support from an employee's pay when required to do so has committed an offence. The government has said that this measure is designed to correct an ambiguity in the legislation which did not make it clear that an employer could commit an offence by failing to withhold pay when required to do so. The government has indicated that a literal interpretation of the provision suggests that an employer could be penalised for complying with the section as it is currently drafted. This makes prosecution difficult. The bill clarifies that an employer is strictly liable for failing to act appropriately when required to do so. This should enhance the prospect for success of prosecution when there is wrongdoing.

Importantly, the government has indicated that the Commonwealth Director of Public Prosecutions has been consulted in the drafting of the proposed amendments and, given that the bill makes a number of technical amendments which appear to enhance the operation of the Child Support Agency and registrar, the coalition will not be opposing the bill.

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:03): As Senator Fifield pointed out, the Child Support (Registration and Collection) Act, allowing, amongst other things, the registrar to delegate his or her powers to persons engaged by the Commonwealth. There were some concerns expressed to me about this particular bill because it permits the outsourcing of child support payment debt collection, which is normally carried out by the Child Support Agency.

Debt collection work that is done by the CSA is very complex. They are dealing with quite complex family matters, and CSA workers provide advice about tax obligations and Centrelink entitlements, which assist parents in ensuring that their children are adequately provided for. CSA employees also have access to complex and confidential information, including court orders, which may contain activation clauses for the repayment of debt and they also mitigate debt repayments and negotiate alternatives if one parent finds themselves without an income. In other words: they play a very sensitive role. It is a highly skilled role, dealing with parents and negotiating and facilitating between parents in some cases. It is sort of like that.

There has been some concern expressed to me that private providers would not have the knowledge of Human Services and the depth of training that I know CSA provides to be able to provide this level of advice, and we believe they should not have access to sensitive information. We raised these concerns with the minister, Minister Plibersek, and I wrote her outlining some concerns. I am very pleased to say that Minister Plibersek responded; we have met with officers and got a briefing on this legislation. I put on the record that I very much appreciate that. I also acknowledge that the agency has been doing a lot of work in developing its processes, particularly around debt collection, and I understand
there has been a significant improvement in the debt that has been recouped.

I would like to acknowledge the fact that the minister has written back addressing the issues I raised with her office; I thank her for that. She has indicated in the letter that outsourced providers will provide staff with limited specialised skills to be used in particular circumstances. As I said, they will be used only in very particular circumstances. I understand why, in particular circumstances, it may be advantageous to outsource that process.

The minister also outlined that outsourced debt collection will complement the Child Support Agency’s existing compliance tools and will only be used when CSA staff have exhausted all avenues for collection. Importantly, she also committed to consult with staff and the CPSU on plans for implementation of the legislation, including the nature and scope of any proposed outsourced work as specified in a delegation instrument. As I said, I appreciate that very much. That reply deals adequately with the concerns we raised. I thank the government for their response. I do understand this is a sensitive issue. I think they have handled our concerns sensitively and because of that we will now be supporting this legislation.

Senator XENOPHON (South Australia) (13:07): I will confine my remarks to an amendment that I will be moving; I think it is important to refer to it in the second reading stage. My primary concern about this bill relates to any potential to offshore the information that will be obtained by virtue of these changes. I acknowledge and support the government’s intentions in this bill and I agree that granting the registrar the power—for example, to utilise a debt collector to retrieve unpaid amounts—will help to streamline operations. However, we need to make sure that the third parties who act under the registrar’s delegated powers treat any information they receive appropriately.

I have spoken previously about my concerns with the ‘big 4’ banks sending personal information offshore for processing. A survey I commissioned, along with the Finance Sector Union, in 2009 shows that 91 per cent of Australians would choose a bank that did not send their personal information overseas. A further 83 per cent of people believe that banks should get written permission before sending personal information offshore. So there is a concern that when you are dealing with sensitive information it should not be sent offshore. There are concerns about the security of that information. It is much better to keep it onshore. It is good in terms of the personal and financial security of Australians and it protects Australian jobs.

I am grateful for the discussions I have had with Minister Plibersek’s office in relation to this and for the government’s willingness to support this amendment. I would urge all my colleagues to do so. It is a fairly straightforward amendment. I note that during Senate estimates when I asked questions of the Australian Taxation Office on their debt-collecting procedures—their outsourcing of debt collection—they said, categorically, they do not offshore that information. It is important that there are guarantees this does not occur here with this particular department.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:09): I thank senators for their contribution to the debate on the Child Support (Registration and Collection) Amendment Bill 2011. The first section of the bill will enable the Child Support Registrar to delegate powers and functions to
external service providers. The bill will also allow the Child Support Program to consider the use of contracted staff to undertake specific and limited jobs. The core work of the Child Support Program requires skilled work by staff who have a wide knowledge of child support matters. The minister and I are absolutely certain that no contracted service provider would be able to provide staff with this range of skills and depth of knowledge.

The bill will not be used to outsource the core work of the Child Support Program and will not be the basis of job cuts within the program. External service providers may be able to provide staff with more limited but specialised skills that could be used in specific circumstances. For example, a forensic accountant may be used to discover hidden assets belonging to parents with a child support debt. This will allow highly skilled and valued staff to concentrate on what they do best—helping Child Support Program customers and their children. This bill will also allow the Child Support Program to use external debt collectors, in limited circumstances. This approach is currently used by Centrelink and the Australian Taxation Office.

The government wants to ensure that the Child Support Program has every tool available to collect unpaid child support debts. Debt collection activities will enhance the Child Support Program's existing compliance tools. In the first instance, the Child Support Program works with paying parents to encourage voluntary payments of child support. The engagement of a debt collection agency will only occur where Child Support Program staff have exhausted all avenues for collection and have been unable to identify any further opportunities. These delegation powers are already available to Centrelink. It is important that each agency in the newly-integrated Department of Human Services have the same powers. For example, if one person has both a Centrelink debt and a child support debt, it makes no sense that a debt collection agency would collect one part of the debt and not the other.

The outsourced services will be clearly specified in the delegation instrument, issued by the registrar as well as in guidelines provided to the contract service provider when they are engaged. The Child Support Program will consult with staff and the CSU on plans for implementation, including the nature and scope of any proposed outsourced work as specified in the delegation instrument. I can assure the Senate that adherence to the Australian Public Service values and code of conduct by the service-provider staff would be an essential requirement and would be specified in any contractual arrangements. I can also confirm that any outsourcing will occur in line with Commonwealth procurement guidelines and will be subject to review, as per contractual arrangements.

The second section of the bill relates to certain obligations on an employer to deduct and remit child support payments to the Child Support Program. The current offences relating to 'employer withholding' are written in a way which is ambiguous. The proposed bill will make it clear that it is an offence when an employer fails to take a certain action. This will improve the prospect of successful prosecution of employers who fail to deduct or remit child support payments for the benefit of children. I say, for the record, that the government will support Senator Xenophon's amendment and I commend the bill to the Senate.

Question agreed to.
Bill read a second time.

In Committee
Bill—by leave—taken as a whole.
Senator XENOPHON (South Australia) (13:13): I move amendment (1) on sheet 7113 standing in my name:

(1) Schedule 1, item 1, page 3 (after line 15), after subsection 15(1B), insert:

(1C) Any information provided to a person as a result of a delegation by the Registrar under subsection (1B) must be retained, processed and stored in Australia at all times and must not in any way be transmitted outside Australia.

[retention of information in Australia]

For example, if the registrar delegates his or her powers to engage a debt-collection agency any personal information provided to that agency to assist them in collecting debt on behalf of the registrar must be retained, processed and stored in Australia at all times.

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Senator McLUCAS: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Financial Framework Legislation Amendment Bill (No. 1) 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (13:16): The coalition will not be opposing the Financial Framework Legislation Amendment Bill (No. 1) 2011. This bill amends eight acts across five portfolios. Its purpose is to update and clarify the Commonwealth's financial framework and to amend and improve the governance and financial arrangements of existing government bodies. This bill represents the eighth financial framework legislation amendment bill since 2004. It is part of an ongoing commitment, by whoever has been in government, to address financial framework issues as they arise and as related to financial management provisions, governance structures and legislative anomalies. The explanatory memorandum to this bill states that these amendments will have no financial impact, which we accept. It goes on to say that the changes 'may lead to productivity gains', which the coalition would of course welcome.

Specifically, this bill seeks to improve the readability of the Commonwealth Authorities and Companies Act 1997, the so-called CAC Act, by transferring the detail relating to the corporate plans of government business enterprises into the Commonwealth Authorities and Companies Regulations 1997. It also seeks to improve the readability of the Financial Management and Accountability Act 1997 by clarifying its interaction with the Legislative Instruments Act 2003. Various amendments are also made to six other acts and are said to reflect best practice. These include making consequential amendments to the Legislative Instruments Act as a result of the FMA Act changes outlined earlier and updating the Wheat Export Marketing Act 2008. There are also amendments to the Wine Australia Corporation Act 1980 to update the circumstances for the provision of its annual operational plan to the responsible minister, as well as clarifying the allowable term in office—a three-year maximum—of members of a related committee, the Geographical Indications Committee, thereby removing an anomaly whereby some appointees could serve indefinitely. The amendments also update a reference in the Renewable Energy (Electricity) Act 2000 to the ‘Australian Bureau of Agricultural and Resource Economics and Sciences’, or ABARES, previously ABARE, and repeal a redundant

As I mentioned, the coalition will not be opposing this bill. We do think, though, that it is a missed opportunity in the context of NBN Co., which could do with some serious improvements to its corporate governance and financial arrangements. While there are some specific proposals which will go towards improving the efficient operation and governance of entities such as Wheat Exports Australia, albeit in small way, NBN Co. is the one government business enterprise where proper government oversight is sadly lacking. The NBN Co. annual report states that the company regularly reports to its shareholder ministers; what that means, we do not really know. The Minister for Finance and Deregulation as joint shareholder minister should of course have a very close watching brief over its activities; however, the coalition are not confident that this is presently the case.

This entity, NBN Co., will churn through taxpayers' dollars at an alarming rate. We recently saw the deal between the government, NBN Co. and Telstra formalised, which will cost taxpayers billions of dollars—a deal that will kill off fixed-line competition and create a new government monopoly. We also know that NBN Co. has already signed contracts worth $7 billion. Who knows if these contracts will produce value for money? What real incentive is there for this company to achieve value for money? Under this government, NBN Co. is under no pressure whatsoever to run a tight ship, and this legislation would have been a good opportunity to address that.

The government itself has set a dreadful example for any government business enterprise when it comes to achieving value for money for taxpayers. It is quite extraordinary that not one but two finance ministers could endorse taxpayer-funded spending on this scale without a cost-benefit analysis. Yet we know that, in the budget, $18.2 billion of taxpayers' money or money borrowed in the name of the taxpayer will be pumped into this high-risk venture. The fact that this has been permitted to happen under the existing financial framework does indeed sound alarm bells for the coalition, as it should for people right across Australia. As I said at the outset, we will not be opposing this bill, but it does highlight that the financial framework is currently still inadequate in that it can allow a government business enterprise like NBN Co. to operate in the inadequate way that it is operating.


Summing up, this bill continues the government's commitment to ensure that the financial framework and legislation is up to date, accurate and clear. I thank honourable senators for their contribution to the debate and commend the bill to the chamber.
Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator XENOPHON (South Australia) (13:23): I move the amendments on sheet 7114 standing in my name:

(1) Schedule 8, page 10 (after line 3), before item 1, insert:

1A  At the end of section 31

Add:

(4) A corporate plan developed under this section after the commencement of this subsection must outline the strategies of the Corporation to monitor and prevent the counterfeiting of Australian wines within and outside Australia.

1B  At the end of section 31F

Add:

(4) An annual operational plan developed under this section after the commencement of this subsection must set out particulars of the action that the Corporation intends to take in order to give effect to or further, during that year, the monitoring and prevention of counterfeiting of Australian wines within and outside Australia.

[monitoring and prevention of counterfeiting of Australian wines]

It is important to put this in perspective. I was approached about a year ago by Emanuel Skorpos, who is a proprietor of Flinders Run estates, a small boutique winery in the southern Flinders Ranges in South Australia. It is a small and growing business, and he produces excellent wines that have been highly rated. He received information that his wine labels were being counterfeited in China. His initial experiences with Wine Australia—I think it was called the Wine and Brandy Corporation then—were less than satisfactory. At his own expense he had to go to China to establish that the wine labels were indeed being counterfeited. There were some small variations, but effectively wines were being passed off as his. There has been subsequent confirmation that the wines were not Australian wines. As I understand it, in fact they were counterfeit wines.

We need to put into perspective how big the Australian wine industry is. It is a huge export earner. It is a massive industry in this country, a multibillion dollar a year industry, and it is of particular significance and importance in my home state of South Australia, where, I unambiguously say, we produce the best wines in the country.

Senator Joyce interjecting—

Senator XENOPHON: Senator Joyce has not disputed me, but he may want to talk about Queensland wines—mango wine or whatever they produce in Queensland.

The TEMPORARY CHAIRMAN (Senator Crossin) (13:26): Senator Xenophon, I might draw your attention to your amendment or we will be diverted forever, I think.

Senator XENOPHON: Madam Temporary Chair, I am suitably chastised by you. But I just could not resist that. This is not an onerous amendment. This amendment will simply require that, in the corporate plan they are obliged to provide, Wine Australia make reference to the issue of the monitoring and preventing of the counterfeiting of Australian wines within and outside Australia. The amendment is not mandating what action they have to take but it does mandate that they have to pay attention to it to the extent that they need to say what they are or are not doing in relation to the counterfeiting of wine.

This is a major issue. We know that the risk of tainted wine, for instance, which is at much higher risk with counterfeit wine, can have a devastating effect on a wine industry. The Austrian wine industry was affected a number of years ago, and it took them a
The experiences of Mr Skorpos in relation to his Flinders Run estates label are quite salutary. It is essential that our wines be protected from counterfeiting. The number of years to recover from that. It is the integrity of the labels. It is essential that our wines be protected from counterfeiting. The experiences of Mr Skorpos in relation to his Flinders Run estates label are quite salutary. It is fair to say that Wine Australia has certainly improved lines of communication and they have been open with Mr Skorpos in relation to this. But the key issue is: what is wrong with requiring Wine Australia to say, 'This is what we're doing as part of our corporate plan in relation to counterfeiting'?

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:27): Whilst I recognise Senator Xenophon's well-based intention to protect the intellectual property and in fact the integrity of the wine industry, it is the view of the government that this is not the way to achieve that laudable goal. The Winemakers Federation of Australia does not support the amendment that Senator Xenophon has proposed. It is concerned about the precedent that would be established by having a member of parliament dictate the activities and functions of an industry funded body beyond that set out in the enabling legislation for the statutory nature of the organisation. In the view of the federation, the governance and the autonomy of the corporation board could be compromised. It is an unnecessary interference in the role of the corporation.

It is a statutory corporation with the power to manage its own affairs. The corporation's corporate plans and annual operational plans are developed by the corporation, approved by its board and agreed by the minister. The board is accountable to industry levy payers through the publication and distribution of its annual report and at the industry annual general meeting. Levy payers have not used this mechanism to indicate discontent with or request changes to the activities and priorities of the corporation to date.

The corporation is funded by a mixture of levies and user-pays funding. The levies are collected for marketing and promotional activities, while the user-pays elements fund the export approval and label enforcement aspects of the corporation's work. The federation has advised that, in its view, there is not a sufficiently compelling case for the industry at large to fund the protection and prosecution of individual companies from counterfeiting activity in other nations. Intellectual property rights are private rights and breaches should be handled by businesses themselves. Not all companies affected by counterfeiting want government involvement and would prefer to deal with protection of their intellectual property rights themselves. We are aware of instances where the private rights holders have actively discouraged government or corporation involvement in investigating and enforcing their rights.

Once wine is exported from Australia, it becomes subject to the importing countries' rules and regulations and is outside the control of Australian authorities. This includes wine labelled as Australian wine when it is not Australian wine. If a wine is produced and bottled overseas, Australian authorities have no means to prevent that product being incorrectly labelled. Therefore, we are not sure how Wine Australia would prevent the counterfeiting of Australian wines outside of Australia and are cautious about recommending the corporation be given or appear to be given a responsibility that it has no means of carrying out.

I reiterate that we do recognise the issue that Senator Xenophon has raised as being legitimate. I note that Senator Xenophon is undertaking ongoing discussions with Minister Ludwig that, hopefully, will reach a point that addresses the issue he has raised.
But, on the basis of my contribution, we cannot support your amendment today.

**Senator CORMANN** (Western Australia) (13:31): The coalition will not be supporting the amendment put forward by Senator Xenophon either. We understand where Senator Xenophon is coming from.

*Senator Xenophon interjecting—*

**Senator CORMANN:** I certainly agree with Senator Xenophon's interjection that Margaret River wines are excellent wines and, I would argue, are way better wines than you would find in any other part of Australia.

**Senator Xenophon:** On a point of order, Madam Temporary Chair, I have been verballed by my friend and colleague Senator Cormann. All I said was, 'What about Margaret River?' That is all I said.

*The TEMPORARY CHAIRMAN (Senator Crossin) (13:32):* I am almost inclined to say you do have a point of order, but I will not go there.

**Senator CORMANN:** I am very grateful that my very good friend and colleague Senator Xenophon is so concerned about the interests of the winegrowers in Margaret River, which is great. Senator Cash and I are very concerned about the best interests of winegrowers in Margaret River too.

However, we do accept the point that has been very eloquently articulated by the government that for the parliament to get involved to this degree of detail in the corporate planning activities of Wine Australia, or any other government business enterprise, for that matter, would not be an appropriate precedent. We also note that the industry at large is not supportive of the amendment that Senator Xenophon has put forward in relation to this issue.

Obviously, I hope that, in the context of the incidence of counterfeiting of Australian wine, Wine Australia and others in the industry do take seriously the need to do something about this. Whether that is at an individual business level or at a more collective level, I think it is ultimately something for the industry to settle through its internal and established processes. It is not something that the coalition thinks that the parliament should prescribe through this legislation.

If we start prescribing one issue that might have merit, obviously the question then arises: what about all these other issues that we might feel are necessary and important to deal with? It is quite appropriate for us to leave the consideration of, and decision making around, the strategic and operational direction of Wine Australia to the Wine Australia organisation. On that basis, the coalition will not be supporting this amendment.

**Senator XENOPHON** (South Australia) (13:33): I thank both the government and the opposition for their contributions. To clarify: Margaret River is a renowned winegrowing region. I still maintain my position that South Australian wines are the best, but I can disclose that, whilst I normally only buy South Australian wines, I did buy a Margaret River wine called Devil's Lair to give to Senator Heffernan, which he appreciated.

The point being missed here is that the issue of counterfeiting of Australian wines, particularly in some of the emerging markets, can have a potentially devastating effect on the integrity of our wine industry. This amendment does not say, 'You must take these steps in relation to counterfeiting.' It asks, 'What will you be doing in relation to this?' I do not think it dictates activity, as the Winemakers Federation suggests. If you look at the role and mission of Wine Australia, its core responsibilities include export.
regulation and compliance and domestic and international wine promotion. On the basis of those two areas alone, what could be more important than ensuring the ongoing promotion of our wines overseas than to ensure the integrity of the labels and their protection from counterfeiting?

When you consider the legislative framework, section 3 of the Australian Wine and Brandy Corporation Act states the objects of the act:

(a) to promote and control the export of grape products from Australia; and

(b) to promote and control the sale and distribution, after export, of Australian grape products;

It also gives the promoting of trade and commerce in grape products. I would have thought that this proposal is entirely consistent with that.

I understand what the government and the opposition are saying, but I would like the government and the opposition to indicate, given that they acknowledge the problem of counterfeiting of Australian wines, particularly in overseas markets, whether they are generally supportive, without being locked into the wording of the amendment, of the need for a Senate committee inquiry into this area so that these issues of intellectual property and the like are at least ventilated.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (13:36): I think it is very important that we get it on the record that no doubt South Australia and the Margaret River have some great wines, but also Stanthorpe has some great wines, as does Murgon. And, if you really want to bend your mind around some corners, there are some liqueurs you can get up around Senator McLucas's area made of bananas and all sorts of things that fall to the forest floor. I don't know what they taste like, but I know what they do to you!

The TEMPORARY CHAIRMAN (Senator Crossin) (13:36): Senator Joyce, do you have a point you want to make? We will descend into State of Origin discussions, I think, in a minute.

Senator JOYCE: Very good. I would like to draw your attention to the State of Origin!

The TEMPORARY CHAIRMAN: As opposed to the state of the chamber.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:37): I think we might have the numbers, Senator Joyce, which is good. Senator Xenophon, I do not have the authority to be able to give an undertaking to you at this point, but I will undertake to pass that to the relevant people and hopefully get back to you within a reasonable time.

Senator CORMANN (Western Australia) (13:37): We all know that Senator Xenophon is a wily negotiator, but he is taking it to new levels trying to negotiate the terms of reference of a future Senate inquiry on the floor of the Senate. I agree with the government. While the coalition is very happy to pursue these discussions with him, I do not think it is directly related to the legislation now before us. I suggest that we have these discussions after we have dealt with this legislation.

Senator XENOPHON (South Australia) (13:37): Before you pull me up on this issue, Madam Temporary Chair, I am not sure if Senator Joyce referred to what is being produced in his hometown of St George. I understand the numbers are very much against me. This is an important issue, which I think has been acknowledged fairly by both sides. I will be moving in the next sitting week for specific terms of reference in relation to the issue of counterfeiting and, in
good faith and with goodwill, I will negotiate with the government, the opposition and my crossbench colleagues to try to get that inquiry up because it is an important issue that needs to be dealt with.

Question negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator McLUCAS: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oil Transfers) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (13:40): I rise to speak about the Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oil Transfers) Bill 2011. As we are well aware, the tankers are getting bigger and bigger and, because we are having to deal with the greater size of the tankers, we are getting more of this thing called ship-to-ship transfer of oil. As such, we have to start regulating and making sure that we have the proper protocols in place so that we do not create an environmental problem.

We have really had only had one experience so far in Australia of these large ship-to-ship transfers, and that was by Caltex. Not for one moment do we suggest that Caltex are not doing a good job—they are. This is just a regulatory measure and it brings us into line with the protocol on the prevention of pollution from ships at sea, MARPOL—the International Convention for the Prevention of Pollution from Ships.

We have dealt with this on a number of occasions—I think this might be the sixth time that we have been engaged with this act—and it has always been on a bipartisan basis. This is not to do with all ships. As I think has been noted, it is generally ships greater than 150 tonnes dead weight. As such, it requires that as a person goes through areas, there is a process of notification—notifying people that you are going to do a ship-to-ship transfer—and an operations plan is required to be in place. That operations plan has to be signed off that it has been submitted so that it is properly concurred with.

This is bill is noncontroversial. It was introduced in the other place, and I have had a quick read over the speech by the member for Gippsland, who at that time was representing the shadow minister, Warren Truss. As I said, this is noncontroversial, and I hope that we can deal with this expediently.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (13:42): I thank Senator Joyce for the support for this bill. One of the greatest threats to the marine environment, as we all know—particularly those of us from North Queensland—is a major oil spill. This bill continues the government's persistent efforts to protect the marine environment by setting out measures to be adopted when oil that is being carried as cargo is transferred between oil tankers. The amendments in this bill reflect international best practice. I thank Senator Joyce for his contribution and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.
Third Reading

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

Senator McLUCAS: I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Sitting suspended from 13:44 to 14:00

QUESTIONS WITHOUT NOTICE

Live Animal Exports

Senator BACK (Western Australia) (14:00): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. I refer to the minister's announcement last night that Australia will resume the live beef export trade with Indonesia. Can the minister explain what action he has taken to engage with his Indonesian counterparts to accelerate their issuing of import licences so the trade can resume without further delay?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:00): Last night I announced that the export suspension has been lifted. The government had always said that the trade would resume when appropriate supply chain assurances could be met and animal welfare standards could be safeguarded.

We have achieved an agreement with industry about how international standards will be operationalised, and now we are also confident the number of exporters in Australia are ready to meet those standards. We have also received advice from the Indonesian counterparts that they are prepared to issue import permits for the importation of live cattle. Strict new conditions, though, have been written into all export permits that will allow the export of live cattle only when animals can be managed through the supply chain to meet those international guidelines which I spoke of.

These conditions require exporters to trace cattle from properties onto vessels, into feedlots, and from feedlots into slaughterhouses at the agreed international standard. Permits will only be issued to those exporters who can demonstrate that this will in fact be the case. Exporters will have to collect and make public the data on the individual consignments that they take to market, including where animals are fattened, how they are transported and where they are slaughtered.

Supply chains will be verified by commercial independent auditors, with the entire process to be independently audited on a regular basis. What that means is that these audits will be made public. So you will have international auditors who audit the particular supply chain, including the end at the abattoir, to ensure that they meet those supply chain assurances, that they meet animal welfare outcomes, that they ensure that animals are not mistreated throughout that supply chain, and that audit by the independent auditor will be available publicly. (Time expired)

Senator BACK (Western Australia) (14:02): Mr President, I ask a supplementary question. The conditions the minister has imposed for the re-establishment of the live export trade could have actually been negotiated both with Indonesia and with Australian cattle exporters instead of imposing a total suspension. Can the minister
explain why he disrupted the trade for five weeks and what the ban actually achieved?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:03): Those on the other side have been perpetuating this myth. What we had up to the point of the suspension was a self-regulated industry that clearly had failed animal welfare outcomes. There is no question that they had not met animal welfare outcomes that the community would expect. Those on the other side would want the trade to continue without managing animal welfare outcomes. What the suspension allowed to happen was that we could put in place a supply chain assurance which includes traceability, transparency and independent auditing as a vital part of the overall supply chain to ensure animal welfare outcomes, to ensure that we could meet internationally agreed norms of OIE guidelines, to ensure that these cattle exported from Australia would not be mistreated and that each individual consignment would be able to be tracked into the abattoir to ensure animal welfare outcomes. Prior to that, there was no guarantee. (Time expired)

Senator BACK (Western Australia) (14:04): Mr President, I ask a further supplementary question. Given that there will be an inevitable delay before exports of live cattle can resume, will the minister assure the Senate that the government will fully compensate those rural communities that have been impacted by the disruption to the live export trade?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:04): In dealing with the first part, the suspension order has been lifted. When will the trade resume? Industry is now able to apply for export permits and once their applications can demonstrate that they can meet the conditions we expect the permits will be issued. In addition, I am advised that the Indonesian government will now issue import permits which are necessary for the trade to recommence. This is the first important step in recommencing this trade and getting it up and running as quickly as possible. That is the best form of outcome—

Senator Back: Mr President, I rise on a point of order. I thank the minister, but can he actually tell us: will he assure—

Senator Conroy: What's the point of order? It's called relevance.

Senator Back: Thank you very much, Senator Conroy, through you, Mr President. Yes, it is on relevance. The question I did ask was relating to compensation to families affected by this ban.

The President: I believe the minister is answering the question. The question was broader than that. The minister has 25 seconds remaining to answer the question.

Senator LUDWIG: What industry have indicated to me constantly throughout this is that the best form of assistance they can get is for this industry to be put up on its footing again on a sustainable basis for the longer term, and that is what this government has done. Those on the other side might complain and whinge. What they never did was ensure that self-regulation would actually deliver the animal welfare outcomes. (Time expired)

Broadband

Senator STEPHENS (New South Wales) (14:06): My question is to the Minister for...
Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister outline to the Senate the Gillard government’s plan to improve the quality and accessibility of broadband services in rural and regional Australia?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:07): I thank Senator Stephens for her longstanding interest in this issue. I know that she is particularly passionate about telecommunications services in rural and regional New South Wales. The Gillard government has pledged that no community in Australia will be left behind in the rollout of affordable, modern, high-speed broadband. Sadly, some of those opposite, particularly down in the far corner, claim to represent the interests of country and regional Australia but, in truth, they simply pay lip service to the view, continually opposing the Gillard government as we roll out uniform wholesale pricing and ubiquitous high-speed broadband to 100 per cent of Australian premises—a project that will have a particularly dramatic impact on regional Australia.

Senator Joyce interjecting—

The PRESIDENT: If senators wish to debate the issue, the time is after question time.

Opposition senators interjecting—

The PRESIDENT: When there is silence on my left we will proceed. Senator Conroy.

Senator CONROY: are an important part of meeting that commitment. The NBN rollout will deliver higher broadband speeds to those in rural and regional Australia who need it the most but have experienced it the least. And that is why—

Honourable senators interjecting—

The PRESIDENT: It is obviously one of those days where people are very excited. I know there was a State of Origin last night, but I do not expect the excitement to last today. It did for Senator Macdonald and me, but that's about it! Senator Conroy.

Senator CONROY: That is why the Gillard government is rolling out 6,000 kilometres, of which 4,500 are already rolled out, on time and on budget. (Time expired)

Senator STEPHENS (New South Wales) (14:10): Mr President, I ask a supplementary question. Given the interest and commitment of the Gillard government to the people of rural and regional Australia, can the minister advise the Senate on how the National Broadband Network—

Opposition senators interjecting—

The PRESIDENT: Senator Stephens, resume your seat. The senator is entitled to be heard in silence when asking the question. Senator Stephens, continue please.

Senator STEPHENS: Thank you. Can the minister advise how the National Broadband Network is having a positive impact on rural and regional Australian lives?

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) (14:11): On 1 July NBN Co.’s interim satellite service was switched on, and they are ramping up its availability to those Australians who need it the most: people who do not have access to reasonable broadband—

Opposition senators interjecting—

The PRESIDENT: Sit down. Thank you. Senator Conroy, continue.

Senator CONROY: alternatives—something that people living in urban areas frequently take for granted. As recently reported in the *Weekly* from Mudgee, New South Wales, the interim satellite service is receiving very positive feedback from retail service providers. Mr Tym from Harbour IT, one of the first retailers to offer the new service, said:

... it’s about 10 times faster than the existing satellite service.

And customers have given the service a tick as well. In Dubbo's *Daily Liberal*, the White family is experiencing a dramatic improvement— (Time expired)

Honourable senators interjecting—

The PRESIDENT: At the rate of disruption today, we are not going to get too far down the list of questions. Senator Stephens.

Senator STEPHENS (New South Wales) (14:12): Mr President, I ask a further supplementary question. As someone who lives in regional New South Wales, I ask the minister if he is aware of any other instances where the National Broadband Network—

Opposition senators interjecting—

The PRESIDENT: Senator Stephens, resume your seat. Senator Conroy, continue.

Senator CONROY: As Ms White said: 'It is nearly equal to what family members in Sydney have. That's a great improvement in speed at this stage.' I am aware of more reports of the NBN positively impacting on regional Australia. The interim satellite service offers metro-comparable speeds to underserved Australians at affordable prices, with retail service providers having announced packages starting at around $40. Just this week the *Mudgee Guardian* reported that Mr Emeny and his family, from Grattai in regional New South Wales, said the following:

The internet connection we’ve had in the past was so frustrating that we didn’t even bother to use it … Our download speed … wasn’t even good enough to do emails

But not anymore. He said he is delighted with the new service, 'which he estimates is at least five times the speed of his normal satellite service'. (Time expired)

Opposition senators interjecting—
The PRESIDENT: It is your side that are disrupting your opportunity to ask the question, Senator Fisher.

Senator Fisher interjecting—

The PRESIDENT: I am not asking you to comment. I will give you the call when there is silence.

Live Animal Exports

Senator FISHER (South Australia) (14:16): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. Minister, when—exactly when; on which date—will the first live cattle export ship leave our shores for Indonesia?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:16): The suspension earlier has been lifted. Industry is now able to apply for export permits and, once applications can demonstrate that they meet conditions which are in the export permit, then the trade will—

Honourable senators interjecting—

The PRESIDENT: Just wait a minute. When there is silence—

Senator Cormann: Why doesn't he give us a date? Give us a date.

The PRESIDENT: Senator Cormann, it is one on your side who is on his feet seeking a point of order. He is entitled to be heard in silence.

Senator Brandis: Mr President, I raise a point of order on direct relevance. The minister may only be 20 seconds or so into his answer, but he was asked only one thing: he was asked a date. That is the only answer that can be directly relevant, because it was the only question that was asked.

Honourable senators interjecting—

The PRESIDENT: Wait a minute, Senator Conroy. I will run question time, and I will call you when you are to be given the call. When there is silence, we will proceed.

Senator Conroy: On the point of order, Mr President: it is clear once again that those opposite, and Senator Brandis, have predetermined what the answer should be, and they seek to get you to enforce the answer they want. Standing orders do not permit you to do this. This is not a point of order, and Senator Ludwig has been detailing an answer to the very question he was asked.

Honourable senators interjecting—

The PRESIDENT: When there is silence we will proceed—once a moment of peace has broken out across the chamber. I need silence, though. There is no point of order. Senator Ludwig, you have one minute and 38 seconds remaining. You are aware of the question.

Senator LUDWIG: I am aware of the question, because the question which I am answering is this—if those opposite have been listening for some time. But they are closed to the answer, because the answer is that the export permits now have a regulatory regime in place. When an exporter requests a permit, comes forward and can demonstrate that they meet conditions which are in the export permit, then the trade will—

Honourable senators interjecting—

The PRESIDENT: I am of the question, because the question which I am answering is this—if those opposite have been listening for some time. But they are closed to the answer, because the answer is that the export permits now have a regulatory regime in place. When an exporter requests a permit, comes forward and can demonstrate that they meet conditions which are in the export permit, then the trade will recommence. It is a clear process. Those opposite, of course, would want the trade to recommence without the supply chain assurance and without safeguards that animals will not be mistreated as we saw on that video on Four Corners. What those opposite are arguing for is an immediate resumption of the trade from day one, or a continuation of the trade. What this government has put in place is a supply chain assurance which demonstrates that we have tracking, transparency and independent
auditing of that supply chain so that people such as Elders or Wellard, who are near ready as I am informed, can come forward to the department—to the regulator—and have the supply chain assurance conditions met. When they are met, they will then be able to recommence the trade. It is a simple proposition. It is difficult to see why the opposition do not understand that, but it is a simple proposition: as soon as Elders, Wellard or other companies want to seek an export permit—(Time expired)

Senator FISHER (South Australia) (14:20): No date! Mr President, I ask a supplementary question. Given that the government's blanket ban has caused the loss of up to three of the prime six months for Australia's north to turn off cattle for export to Indonesia, what is this government doing to help industry—cattle producers, transport operators, saleyards, stevedores and everyone in the supply chain—to shorten the lead time to restart our live cattle export industry.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:21): There is no doubt that the industry as a whole will be working quickly and diligently to ensure that companies such as Elders—those seeking export permits—will be able to meet the supply chain requirements and recommence the trade as quickly as possible. In doing so, they will then be able to manage the recommencement to ensure that the live animal export industry continues for the longer term—what I have consistently said is the outcome for the industry. The industry has advised me that the best outcome for them is for this trade to recommence—

Senator FISHER: Mr President, objection—relevance. My question is clearly not about the industry. It is clearly about what the government is doing to shorten the lead time to get this industry off its knees and back into operation.

The PRESIDENT: There is no point of order. I am listening closely to the minister's answer. The minister has 24 seconds remaining.

Senator LUDWIG: Thank you, Mr President. What those opposite fail to really appreciate in this is that it is now for industry to come forward and demonstrate that they meet those conditions within the export control licence and meet the supply chain assurance for this supply to open as quickly as it can, because the best form of assistance for this industry is for this trade to recommence for the longer term. (Time expired)

Senator FISHER (South Australia) (14:22): Mr President, I have a further supplementary question for the minister. Given that the minister was sidelined in negotiations by the foreign minister, Kevin Rudd, who leaves for Indonesia today, wasn't the minister's announcement only made last night because otherwise the foreign minister was going to do it for him—perhaps this Sunday morning?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:23): May I reject the question outright. What has been occurring is that the Minister for Trade, the Minister for Foreign Affairs and I have been working diligently to recommence this trade as quickly as possible. The Prime Minister and I have consistently said that we would not wait one moment, when we did not have to, to
recommence the trade. As soon as the industry working group had finalised the draft standards, Indonesia had indicated that it was ready to meet the OIE guidelines, the standards were in place, the export control permits were in place—when all of those had come together late yesterday afternoon, I was not going to wait one moment to let the trade recommence as quickly as it can. Those opposite would want us to delay. Those opposite would want us to continue without starting the trade. I reject their suggestion completely. *(Time expired)*

**Tiger Airways**

Senator HANSON-YOUNG (South Australia) (14:24): My question is to the Minister representing the Assistant Treasurer, Senator Sherry. The Greens welcome the government's support for CASA's moves to protect the safety of passengers by grounding Tiger Airways. In light of this, however, the airline continued to sell tickets for five days, including bookings for flights in the month of July which have subsequently been cancelled. What action will the government take to stop Tiger or any other carrier from doing this in the future?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:24): Thank you for the question because it does provide me with the opportunity to highlight the actions that have been taken on this matter in the context of Australia's new consumer law, which came into effect on 1 January this year. It does highlight single national law: we were able to see with regard to this matter prompt, nationally consistent action—and I emphasise nationally consistent action—which may not have been possible under previous legislation. So I think it does illustrate that the new national Consumer Law can operate effectively. *(Time expired)*

Senator HANSON-YOUNG (South Australia) (14:26): Mr President, I have a supplementary question. I would like to ask whether the minister is aware that on Tiger Airways' website it states that passengers who have bought tickets for flights between now and 31 July will be refunded. However, when you look at the website, there is absolutely no information as to how to apply for that refund. Is the government doing anything to ensure that customers and passengers do get their money back in a timely manner?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:27): I do understand that, in
response to contact with the regulators, the company, Tiger Airways, did stop selling tickets. It offered to refund moneys to passengers for all flights up to and including 31 July—the date to which you refer—and offered its sincerest apologies to consumers. I am not aware and I have no advice as to what is on the website, but obviously, consistent with the need to provide a refund of moneys, Tiger Airways would need to ensure there is actually a channel for those moneys to be collected. Firstly, though not having read the website and having no notification in the brief before me, I am sure that the chairman of the ACCC as well as the state and territory consumer regulators will ensure that there is a channel for refund moneys owed to consumers to be promptly refunded. (Time expired)

Senator HANSON-YOUNG (South Australia) (14:28): Mr President, I thank the minister for his answer and I have a further supplementary question. Passengers have told the ABC that they did not know their Tiger flight was cancelled due to safety concerns until questioned by journalists once they reached the airport. Given airlines ask passengers for their email addresses and phone numbers before completing their booking, what measures are the government taking to ensure that passengers get informed quickly that their flight is seriously delayed or cancelled due to safety concerns?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:29): Thank you again for the question. Regarding the issues you have raised about notification to customers, I do not have advice as to whether or not they would fall within those matters that would come under the surveillance authority regulatory oversight of the Civil Aviation Safety Authority. In today's world, however, you would expect that an airline flying in this country, given the data that they collect and systems they need to operate, could, and indeed should, be able to notify passengers promptly using what would be regarded in today's world as reasonable, up-to-date, efficient and speedy methods of communication. I think that it would be perfectly reasonable. (Time expired)

Carbon Pricing

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (14:30): My question is to the Leader of the Government in the Senate, representing the Prime Minister, Senator Evans. Can the minister confirm whether Senator Brown will be joining the Prime Minister on Sunday when she announces the details of the Labor-Greens carbon tax?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:30): I understand that the Prime Minister will be making the announcement of the government's decisions in relation to the carbon price. They will be decisions taken by this government and no doubt she will be doing media in explaining the government's position on that day. As to the details, Senator, I think that you and I will both have to wait to see exactly how that occurs. You do know that there is a government lock-up for journalists and other associations. That will occur and, as I say, the Prime Minister will announce the government's position in relation to the future pricing of carbon.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (14:31): Mr President, I ask a supplementary question. Can the minister confirm whether or not the Greens will have received a briefing on the carbon tax before caucus receives a briefing?
Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:31): All I can say is that the government's position has been adopted following its normal processes, which include consultation with caucus and cabinet decision-making processes. All those processes have been followed in relation to this matter, as with all others. The Prime Minister will be announcing the government's position and the legislation that the government will bring before the parliament.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (14:32): Mr President, I have a further supplementary question. Can the minister explain to the Senate why Labor senators are so supinely prepared to allow themselves to be treated by the Prime Minister as second-class representatives of the Australian people and why caucus has been relegated to the 'mushroom club' while the Greens seem to know more about what is going on than most of the ministry?

Honourable senators interjecting—

The PRESIDENT: Order! When we have silence on both sides we will proceed. Senator Fifield and Senator Wong, if you want to have a chat, go outside.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:33): Thank you, Mr President. I doubt that it is a question that is properly directed but I am happy to deal with it. The senator may be interested in the processes of the Labor Party because we actually have a policy debate inside the Labor Party. We are not a member of a party which has excluded itself from the public policy debate in this country.

Only the Liberal and the National parties have decided not to participate in the public policy debate in this country about the pricing of carbon. They have said, 'We will follow our leader anywhere'—and he leads them nowhere. He leads them to the total negativity of running round the country starting fear campaigns wherever he goes and crying wolf wherever he goes, because the Liberal Party does not want to engage in policy; they have only got negativity; they have only got opposition. The Labor Party will continue to govern in the best interests of all Australians and develop policy that will serve the interests of all Australians for many years to come.

Industrial Relations

Senator GALLACHER (South Australia) (14:34): Mr President, my question is to the Minister of Tertiary Education, Skills, Jobs and Workplace Relations, Senator Evans. Can the minister advise the Senate on the benefits of a national workplace relations system? Is the minister aware of any barriers to the achievement of a single set of employment laws for all Australian businesses?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:35): I thank the senator for his question, his first question, and it is a good one. The Fair Work Act replaces over 100 years of fragmented workplace relations law with a predicted net benefit to Australian business of around $4.8 billion over the next 10 years. Also, all the indicators released so far show that the Fair Work Act is working well. Modern awards have been successfully implemented, creating huge savings for industry in terms of simplification and cutting red tape, and, as we know, industrial disputes are down, the number of agreements
made is up and wages growth remains moderate and contained.

Unfortunately, not everyone is reaping the benefits of our national workplace relations system. Only one state prevents a truly national system becoming a reality. Businesses and workers in Western Australia still have to deal with the red tape and inefficiencies of working in two systems. However, the future for Western Australian business is looking brighter after a significant barrier was lifted yesterday. Yesterday, Premier Barnett announced the shelving of the radical agenda recommended by the Amendola report into Western Australia’s workplace relations system. He decided to abandon the Work Choices approach, and the good thing about that, apart from the Liberal Party in Western Australia coming to their senses, is that there is now nothing standing in the way of Western Australia referring their workplace relations powers to the Commonwealth and enjoying the benefits that the Fair Work Act has created for the rest of the country. They can join the national system. They can take the advice of the Western Australian Chamber of Commerce and Industry and the advice of business, and refer their powers to the Commonwealth and allow us to create one national industrial relations system, which this country has been chasing for many years now. It would be a great decision if Western Australia decided to refer their powers. (Time expired)

Senator GALLACHER (South Australia) (14:37): Mr President, I ask a supplementary question. Can the minister inform the Senate on efforts currently under way to harmonise occupational health and safety laws? Is the minister aware of any barriers to the achievement of a single set of harmonised OH&S laws for the entire country?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:37): I am very pleased to advise that yesterday the federal government introduced the work health and safety bill into this parliament, and the parliament will get a chance to consider that in coming months. This is implementing the historic agreement signed by all Australian governments to create a national occupational health and safety framework, replacing the nine different acts and over 400 pieces of regulation. Other governments are moving to implement the harmonised laws: Queensland and New South Wales have passed legislation, South Australia and the ACT have introduced bills and the others are in the process of introducing bills.

Employers strongly support these measures, which Access Economics estimate will save businesses around $180 million per annum. However, the WA government has indicated that it intends to depart from the agreed model in several ways. This is despite the fact that all other states committed to introduce uniform laws, and it has the potential to undermine one of the most important reforms on the COAG agenda. (Time expired)

Senator GALLACHER (South Australia) (14:38): Mr President, I have a further supplementary question. Can the minister provide advice to the Senate on the key recommendations of the Amendola report commissioned by the Western Australian government? Is the minister aware of support for the reforms that were recommended in that report?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate)
Many recommendations in the Amendola report will be strikingly familiar to senators. They included the reintroduction of statutory individual contracts, a weakening of unfair dismissal laws, time off for public holidays to be excluded from awards and the removal of the better-off-overall test. These seem remarkably familiar concepts—concepts that were the key to the federal Liberals' Work Choices legislation.

This report had been sitting around for a year but, within days of the federal Liberals re-embracing Work Choices, Premier Colin Barnett said: 'Not for me. I'm not going to be associated with this; I'm not going down this path. The federal Liberals may be re-engaging with the Work Choices agenda but I don't want to wear that with the Western Australian public.' Mr Barnett said no to Work Choices. He is disassociating himself from the path the federal coalition is going down. (Time expired)

Senator Cormann interjecting—

Senator Chris Evans interjecting—

The PRESIDENT: Order! Senators Cormann and Evans, I am waiting to give Senator Joyce the call.

Carbon Pricing

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:40): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Just prior to 'Swindler Sunday', is the minister aware that this week Australia Post imposed a one per cent fuel surcharge on non-declared services? Minister, does this include or exclude the effect of the carbon tax? If it includes the carbon tax, do you believe that not sending or receiving parcels is good for the climate? If it does not include the carbon tax, are you going to change it after 'Swindler Sunday'?

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) (14:41): The answers could probably be described as: yes, I am aware and, no, it is not correct that it has anything to do with the carbon tax.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:41): Mr President, I have a supplementary question. Is the minister aware whether or not Australia Post has any plans to apply to the ACCC to increase the price of its declared services, such as the 60c standard mail stamp, as a result of the carbon tax?

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) (14:41): Senator Joyce is taking a new interest in Australia Post, a universal service for which the National Party have traditionally supported the concept of universal pricing across the country. But they do not support this on broadband—on postal stamps from the 20th century but not the 21st century means of communication, broadband.

Australia Post's pricings are subject, he is correct, to ACCC regulations. Australia Post will, as always, be required to go through that process. There have been a number of increases in the stamp price over recent years. The ACCC have in fact knocked back Australia Post—

Senator Joyce: Mr President, by reason that he has only got nine seconds left, and the point is one of relevance—

The PRESIDENT: Is this a point of order, Senator Joyce?
Senator Joyce: A point of order on relevance.

The President: You should state that at the outset.

Senator Joyce: I raise a point of order on relevance, Mr President.

The President: Yes, that's better.

Senator Joyce: The question that was asked was: does he know of any plans to apply to the ACCC for increases on the declared services by reason of the carbon tax? It is either yes or no.

The President: I believe there is no point of order. The minister is answering the question. I call the minister.

Senator Conroy: Thank you, Mr President. I am not aware of any plans by Australia Post to apply for any issues around carbon pricing. (Time expired)

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (14:43): Mr President, as he has said he is not aware, I have a final supplementary question. It is quite obvious that the greater the distance the greater the cost when it comes to anything pertaining—

Senator Conroy: You're a genius!

Government senators interjecting—

Senator Joyce: That could well apply to his costing on broadband with his three silos.

The President: Senator Joyce, ask your question. Those on my right, cease interjecting.

Government senators interjecting—

The President: Order on my right!

Senator Joyce: They're very rude, Mr President.

The President: I don't ask for comment, Senator Joyce. Continue.
order, Senator Joyce. Senator Conroy, you have 26 seconds remaining if you have anything to add.

Senator CONROY: As I was saying, I fully understand the sensitivity of those in that corner—those self-proclaimed friends of the bush who are opposing modern communications, universal pricing. They are trying to protect a guarantee, which we have already done—uniform pricing for postage—but not uniform pricing for broadband. You should be ashamed of yourself, Senator Joyce. You should look behind yourself. You used to be a conviction—(Time expired)

Australian Defence Force

Senator MADIGAN (Victoria) (14:46): My question is to the Minister representing the Minister for Defence Materiel, Senator Evans. Can the minister clarify whether the recent changes to specifications and requirements for up to 250 styles of combat and non-combat clothing products for the ADF will significantly relax the terms of the requirements for materials used to manufacture these garments?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:47): I thank the Senator for his question and acknowledge it is his first question in this place. I am advised that the Commonwealth typically spends between $80 million and $90 million on ADF clothing per year. It is sourced from approximately 220 suppliers. I am also advised that approximately 99 per cent of the clothing suppliers for the ADF are Australian companies. The work they do is crucial to ensuring every member of the ADF has the equipment they need to do their job. It is also good for Australian jobs and the Australian economy that so much of the work is done in Australia.

About the specifications for defence clothing and equipment: as senators will understand, the specification for clothing and equipment used by the ADF change regularly. I am advised that defence has in excess of 1,000 technical specifications for items of combat and non-combat clothing. They change when the needs of our ADF change and they change when there are improvements in the technology of product designers and manufacturers. This is particularly important as the threats faced by our troops are constantly evolving.

For this reason, defence has recently set up a new team called Diggerworks, which includes a number of soldiers who have recently returned from operations in the Middle East and also defence scientists and engineers. The team is led by Colonel Jason Blain, who is the commanding officer of Mentoring Task Force 1 and who returned from Afghanistan early last year. Their job is to test, evaluate and prototype new clothing and personal protective equipment for our soldiers to make sure they have what they need to do their difficult and dangerous work. I think those arrangements go a long way to addressing some of the concerns that have been expressed in the past by ADF personnel about their clothing and equipment. It does mean that there are a large number of technical specifications but also that those specifications do change over time as the needs of the ADF change. (Time expired)

Senator MADIGAN (Victoria) (14:49): Mr President, I ask a supplementary question. Can the minister assure us that the changes in specifications and requirements will not disadvantage any local Australian owner, manufacturer or worker?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and
Leader of the Government in the Senate) (14:49): The specifications that are released by defence are designed to meet the requirements of the Australian Defence Force. As I said in my earlier answer, approximately 99 per cent of suppliers of defence combat and non-combat clothing for the financial year 2010-11 were Australian. One of the most important clothing products provided to our soldiers is the combat uniform. The senator would be interested to know that in November last year the Minister for Defence Materiel made it clear that the standard combat uniform—the shirt and the pants—will continue to be manufactured in Australia. This means that the fabric is woven in Australia and the garment is stitched together in Australia. The specifications are designed, obviously, to meet the needs of the Defence Force, and 99 per cent of suppliers are Australian companies.

Senator MADIGAN (Victoria) (14:50): Mr President, I ask a further supplementary question. Can the minister assure us that any pursuit of value for money in relation to these products will not lead to products of a lesser quality or to products of a similar quality being sourced from overseas in preference to an Australian made product?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:50): I can assure the Senate that quality and value for money are important considerations in any tender for products supplied to the Australian Defence Force. Value for money does not necessarily suggest that defence will accept the cheapest offer. Rather, the evaluation considers such issues as the overall performance against the specification as well as any risks associated with the procurement, in addition to the overall cost. There are a range of measures that are taken into account. I acknowledge the concern that the senator raised about the impact that just assessing the lowest price might have, but that is not the system used by the ADF. They do balance a range of issues that include price, overall performance against specification and any risks associated with the procurement, in addition to the cost issue.

**Carbon Pricing**

Senator CORMANN (Western Australia) (14:51): My question is to the Minister for Finance and Deregulation, Senator Wong. Following up on yesterday's question about the government's commitment in the budget that the carbon tax would be budget neutral, I refer the minister to the article in today's Age newspaper which says that the cost of the carbon tax to the budget:

… has blown out to about $4 billion over four years …

It goes on to say:

Most of the extra costs come upfront, from implementing the scheme.

Given that most of the $4 billion in additional costs from the carbon tax will be upfront, can the minister confirm that the carbon tax will put Labor's claims of an early surplus of $3.5 billion in 2012-13 at serious risk?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:52): I am happy to take that question because I am asked about the risk to the surplus—

Opposition senators interjecting—

Senator WONG: I am so pleased they are happy that I am happy.

Opposition senators interjecting—

Senator WONG: I am asked about the risk to the surplus. I can—

The PRESIDENT: Senator Wong, resume your seat. Whilst happiness has
broken out, Senator Wong, you are not asked to address that. Senator Wong, address the question. You have a minute and 43 seconds remaining.

**Senator Wong:** I am asked about risks to the surplus and I am very happy to say to the chamber that the risks to the budget surplus are those on the other side. You do not have to take it from me. We know this because Mr Hockey, the shadow Treasurer of the opposition, their most senior economic spokesman—

**Senator Cormann:** Mr President, I raise a point of order on the requirement for the minister to be directly relevant to the question. The minister was asked very specifically whether the cost of the carbon tax implementation will put the budget surplus in 2012-13 at risk. The minister has not gone anywhere near the question. We did not ask about any other risks; we asked about the very simple and single risk of the carbon tax to the budget surplus. I would ask you to draw the minister to the question.

**Senator Cormann:** I am unsurprised that Senator Cormann is embarrassed about listening to what Mr Hockey said.

**A government senator:** He wants his job.

**Senator Wong:** Mr Hockey's job. I think that might be a little difficult, but no doubt he believes that he would do a better job. Certainly, Mr Hockey on the surpluses has said to the Australian people, as the most senior economic spokesperson for the coalition, that he wants to run down the surpluses. He wants smaller surpluses in order to fund tax cuts. That is what your senior economic spokesperson has said, Senator Cormann. I suggest if you are concerned about that, Senator Cormann, perhaps you ought to have a discussion in shadow cabinet—

**Honourable senators interjecting**—

**The President:** Senator Wong, resume your seat. Wait a minute, Senator Cormann, I know you are on your feet. I am getting interjections on both sides, Senator Cormann—your side as well as the other side—so it makes it very difficult for you.

**Senator Cormann:** Mr President, I rise on a point of order. Again, it is in relation to the requirement for the minister to be directly relevant. Even on the most generous interpretation of the requirements to be directly relevant there is no possibility of saying that the minister has been in any way directly relevant to the question that was asked, which was to what extent the cost of implementation of the carbon tax will put the budget surplus at risk. She has not gone anywhere near that particular question and I would ask you to draw the minister's attention to the question asked.

**The President:** The minister has 28 seconds remaining to answer the question.

**Senator Wong:** The point I am making in relation to the budget surplus is that we on this side are committed to budget surpluses. We will ensure that they are delivered by making the savings and delivering the savings. To come into this place, when the shadow Treasurer has made clear that your policy is to run down the surpluses, and pretend that that is not relevant to a surplus...
discussion just shows that rational economic policy has deserted your side. *(Time expired)*

**Senator CORMANN** (Western Australia) *(14:57)*: Mr President, I ask a supplementary question. Can the minister confirm how much the carbon tax costs to implement in each of the forward estimates years?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) *(14:57)*: As I said yesterday on a range of occasions, the full details of the carbon price will be announced on Sunday. I have also said in this place and elsewhere that the figures in relation to the budget will be updated in the usual way, just as they were under your government, Senator Cormann—through you, Mr President—just as they were after the GST was announced, when, subsequently, budget figures were updated in the usual way. So you would anticipate that the next budget update will reflect any changes in relation to the budget numbers between the budget itself and the subsequent budget update.

*Senator Abetz interjecting—*

**Senator WONG:** Yes, MYEFO. I think Senator Abetz is aware of when the next budget update is. We are clear about ensuring that that occurs.

**Senator CORMANN** (Western Australia) *(14:59)*: Mr President, I ask a further supplementary question. Given that, as of Sunday, the revenue figures in the budget will be wrong, the expenditure figures in the budget will be wrong, the CPI figures in the budget will be wrong, the economic growth figures in the budget will be wrong and the employment figures in the budget will be wrong, why would the government not bring down another budget before pressing ahead with its carbon tax?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) *(14:59)*: I do not accept the premise of the question. To suggest that the figures are wrong is simply incorrect. As I have said, we will update the figures. Obviously the figures for jobs would have to be updated because we have seen a continued improvement in full-time jobs in the figures outlined today, which brings to 750,000 the number of jobs created in Australia since November 2007, since this government came into power. We on this side have worked to ensure that we have protected employment and economic growth through the global financial crisis. If we followed the advice of those opposite, including Senator Cormann, 200,000 Australians would have been added to the unemployment queues. We have created 750,000 jobs on this side—that includes the growth in full-time jobs in the last figures announced today—when those on the other side would have added 200,000 unemployed.

**Senator Chris Evans:** Mr President, I ask that further questions be placed on the Notice Paper.
President at the time. Senator Brown walked in and out of the chamber, deliberately not acknowledging the President. I was wondering if you might refer this intolerable behaviour to the President and get the President to give a ruling, perhaps even to the extent of excluding the senator from the chamber until such time as he learns some manners.

The DEPUTY PRESIDENT: Thank you, Senator Macdonald. The chair at the time did raise the matter with the Senate. Can I just remind senators of the standing orders and the observance thereof.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Carbon Pricing

Senator CORMANN (Western Australia) (15:02): I move:

That the Senate take note of answers given by Senators Wong, Conroy and Evans to questions without notice asked today by Senators Bushby, Joyce and me.

Whatever the issue, whatever the challenge, whatever needs to be done, the only answer that the Labor Party has got is to whack on another tax: ‘When people drink too much, let's whack on an alcopops tax. When there is a two-speed economy with the mining industry in the fast lane, let's whack on a mining tax. When there are too many global greenhouse emissions, let's whack on a tax on carbon dioxide emissions in Australia.’

Well, I have got some information for the Labor Party. Whacking on another tax—tax, tax, tax—is not the only way that you can actually resolve policy challenges that we face as a nation.

We know that this Labor government has a terrible record when it comes to the management of our public finances. It is a Labor government that has delivered deficit after deficit—nine consecutive deficits. It is a Labor government that is not able to live within its means. It is a Labor government that is addicted to spending. Of course, to feed that spending addiction, they have to come up with one new tax after another—and the carbon tax is no different.

You would think that whacking on another tax would get the government to a position where they would actually be able to balance the books, but no. Only the Labor Party can come up with another tax that raises $11 billion every year and still have a budget that is $4 billion worse off. Only the Labor Party can come up with a mining tax which is supposed to raise $38.5 billion over 10 years but leave the budget $20 billion worse off over the same period—because the related budget commitments are conservatively estimated to be at least $57.6 billion. No wonder the country's finances are in such disarray under Labor Party administrations. The Labor Party are always trying to catch up to fund their reckless spending left, right and centre. Whenever they come up with another tax that they think might get them into striking distance of bringing the budget back into surplus they spend so much money on other things—because they have to do so many little deals to get their bad changes through the parliament—that the budget actually ends up in a worse position than where it started.

The proposed carbon tax is, of course, bad policy for Australia. The reason it is bad policy for Australia is that it will make Australian business less competitive, it will push up the cost of everything and everyday Australians will face significant additional cost-of-living pressures—and all of that without actually helping to reduce greenhouse gas emissions. All we will do by putting a price on carbon in Australia through a carbon tax when none of our trade competitors are proposing to put a carbon tax in place is make overseas
polluters more competitive than even the most environmentally efficient businesses here in Australia.

We have a Labor Party that is going left, right, left, right depending on where the public pressure comes from at any point in time. They change their position all time. Petrol is in then petrol is out. The carbon tax is going to apply to 1,000 companies and then it is going to apply to 500 companies. One day they are going to ban cattle exports and then they are not going to ban them. One day they think offshore processing of asylum seekers is a terrible thing and then they are trying to do a deal with Malaysia on offshore processing. One day they say they would never do a deal with a country that is not part of the United Nations convention on refugees and then they do one. This government is all over the place depending on where the pressure is coming from at a particular time.

We found out here in question time again today that the pressure right now is coming from the Greens. This is a government that deceived the Australian people in the lead-up to the last election, and it was not just the Prime Minister; every single Labor member elected to the House of Representatives or the Senate at the last election was elected on a promise that there would be no carbon tax under a government led by Julia Gillard. Of course, now there will be. Why? Because the Greens want it.

I would not normally quote Senator Cameron but the point is that the Australian people are about to be lambasted with a carbon tax, which will be bad for them—(Time expired)

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (15:07): Deputy President Parry, I formally congratulate you on your election to the office of Deputy President of the Senate. As a fellow Tasmanian, I commend you. I know you will do an excellent job.

Some of the comments that have been made in this debate in the chamber are a little unfortunate. Senator Bushby accused Labor senators of being like mushrooms—of being kept in the dark. Unlike him, I have never thrown my frock over my head when I have missed out on a position; I understand Senator Bushby is still sulking.

I would also like to take the opportunity to congratulate Senator Kroger on her elevation to the position of Chief Opposition Whip.

I would like to put on the record that a lot has been made of the announcement on Sunday but I do not think there is a better day. I will be celebrating my husband's birthday. It will certainly be a very memorable day for him, unlike those opposite, who are only interested in running scare campaigns. They have little to contribute to a real debate on any policy in this country. There has been talk about people doing backflips and changing—going from left to right—but there are some opposite who know that climate change is real and who were supportive of carbon pricing previously. They have done backflips. So I think we need to put on record the real issues relating to the price of carbon.

Senator Cormann has said that we are trying to go it alone. Australia is not going it alone. In fact, the longer we delay, the greater the risk to our economy. A broad and
A growing number of countries are pricing carbon. For example, 32 countries and a number of US states already have emissions trading schemes. Carbon taxation is in place in the UK, Denmark, Finland, Norway, Sweden, the Netherlands, Canada, and in selected places in China and India. So we should be honest when we come into the chamber and make comments on issues of great significance like this policy.

In terms of the assistance that households are going to get, those opposite, as usual, are very negative. They want to run away from any real debate but the fact is that nine out of 10 households will get a combination of tax cuts and an increase in the pension or family payments and other payments to help them adjust to the cost of living. The vast majority of those households will not lose a cent because of the carbon price. That is a fact. That will allow those households to do their bit on climate change without making financial sacrifices.

I think the majority of Australians out there understand that climate change is real. They have elected this government to govern in the best interests of this country. And we will be doing that. Australians know that lower income families do not have a lot of room to move. That is why we have taken the steps that we have—to ensure that there is a safety net for those whose costs are higher than average, to give them a bit of extra room to move. Our package is carefully put together to make sure that over three million households will get a buffer—up to an extra 20 per cent in tax cuts and payments over and above meeting the impact of the carbon price. It is a bit like Christmas. You will have to wait until Sunday. You will have to wait for the details but it will be worth tuning in to, I can assure you.

On the other hand, Mr Abbott has for some considerable time now been going around the country trying to scare families and the community. He is not prepared to enter into any real debate on this policy. He has been trying to scare the public into believing that families are going to be worse off with carbon pricing. He says they will have to pay up to $720 a year more in taxes and charges while the polluters get off scot-free. That is not going to be acceptable to the Australian people.

We will get the details on Sunday and then we will see what happens as the weeks and months go on. When the facts are out there and the package is announced, I feel confident that the Australian community will get behind this policy and will see the benefits to the environment. They will also see that the measures we introduce will be within our budget restraints so that we will bring the budget back into surplus. Those are the commitments that we have made. Those are the commitments that the Prime Minister will be keeping.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (15:12): Deputy President Parry, I think this is the first time I have addressed you since you have had the position of Deputy President. I congratulate you on your election to that position, although I can tell you that you are being sadly missed in the whips meetings.

It is quite amazing—a new tax is going to solve everything! Senator Polley is saying that there are emissions trading schemes and carbon taxes in other countries. There is an emissions trading scheme in Europe. It covers 30 countries. Those 30 countries produce 14 per cent of the world's greenhouse gases. Australia produces just one-tenth of that—1.4 per cent. The money it costs those 30 countries is the equivalent of A$500 million a year. What is this government's going to cost? Will it be $8 billion or...
$10 billion, rising from then on? When we get to the emissions trading scheme, who knows what the cost will be? It will be the market that determines the price of carbon.

It is amazing. They talk about compensating households. That might happen when the price is $23 per tonne but what will happen if, in five years time, under the emissions trading scheme, the price of carbon goes to $80 per tonne? The National Australia Bank has even forecast $100 a tonne. How would you compensate if the price was four times higher? Here is the problem already obvious to all. The most amazing thing is that China, India and America are the countries that produce 50 per cent of the world's greenhouse gases. Is there a price on carbon in China? Of course there is not. They are going to increase their expulsion of greenhouse gases by three billion tonnes by the year 2020. In India there is no price on carbon even though the Productivity Commission says it is the cheapest way to carry this out. Why don't they have it? There will be an extra two billion tonnes by them. Between India and China there will be five billion tonnes extra come the year 2020. America: a few states doing very little. Those opposite talk about New Zealand's emissions trading scheme. New Zealand produces 0.1 per cent of the world's greenhouse gas by burning fossil fuels, which is basically zero. No matter what we do, nothing will change.

We have already seen fear put into industries. There was news today about the closing of the Kandos cement factory. They can see the writing on the wall. They are facing a high Australian dollar and cheap imports of cement from China, which coincidentally produces in excess of one billion tonnes of cement a year. They produce 1.1 tonnes of greenhouse gas compared to our 0.8 tonnes. What I am saying is that for those 10 million tonnes of cement made in Australia, if we shut our factories down and import the cement from China, there will be an extra three billion tonnes of CO₂. This is a problem. We will be shifting our industries overseas, whether they be aluminium, steel or cement. We have heard about the job losses as a result of Kandos closing down. Kandos cement is a very popular, common product in Australia, and that has been a very disappointing announcement.

But there will be more to come. You cannot tax Australian industries. My fear is for the abattoir at Inverell. Bindaree Beef will probably face an extra $600,000 or $700,000 a year in electricity bills. But will our competitors in America competing for the Korean, South Korean and Japanese beef markets have to pay it? Of course they will not. We talk about fuel. Yes, it is a popular thing not to put the tax on petrol for the tradies or the small vehicles. What is going to happen to the truckies? Already Senator Sterle has made a point about the truckies doing it tough at the Top End of Australia with that outrageous decision to have a total suspension on the export of live cattle. And now the truckies are going to get more of their excise kept by the government.

It was the coalition in government that gave the 18.5c a litre rebate to the transport industry. That has been reduced to 15c because those over there in the Australian Labor Party only know one thing—tax, tax, tax. I can take you through them: the alcopops tax, the cigarette tax, the luxury car tax, the flood tax, the mining tax, the carbon tax. All they know is tax, and now they are going to get into the truckies with the diesel, and probably the miners as well. It is not about cutting their spending, taking the pressure off interest rate rises—seven interest rate rises in a row. No, they will simply spend, spend, borrow, borrow, mortgage our children's future away.
Senator Wong: You want smaller surpluses! Don't talk to us about pressure on budgets!

Senator WILLIAMS: I will take the interjection, Senator Wong. Where is the $4 billion coming from? Are you going to pluck it off the fruit trees? We have already seen the holes in that. Why wasn't it in this year's budget? Come Sunday we will see and hear a lot about it. And what effect will it have on CO2 emissions around the world? It will have absolutely zero effect but it will drive industries overseas and it will cost jobs. The Australian Labor Party used to stick up for the worker once; the worker is the last person they ever think of these days.

Senator MOORE (Queensland) (15:17): Mr Deputy President, I was struggling to think of a way to introduce my comments about last night's State of Origin result into this debate and make it relevant. I am pleased to say—only the few people who are sitting here in the chamber would have been able to see—that some of the moves that Senator Cormann put on in his take-note speech gave me the perfect opportunity to say, 'You would be a proud contributor to any Queensland team, Senator Cormann, with your movements earlier.' That gives me a chance to put on record my congratulations to the Queenslanders.

Senator Cormann's comments in that contribution seemed to indicate that there has only ever been one party in the history of Australian government that has looked at putting taxation into the community. We have also heard from Senator Williams that there is only one party in the history of the Australian economy that has ever, through its processes of developing economic responses, looked at taxation! Strangely enough, a very quick scrutiny of Hansard over the history of the Commonwealth, which I was able to do in the last minute or so, has proven that governments of all persuasions from the very start—1901—have debated in the chambers of parliament taxation for the Australian community. The way that is done has not changed that much. Proposals for economic processes come through the community, there is discussion, concern, interest and then in this place there are specific arguments about the merits of individual proposals. That is what is going to happen when we look at the pricing process of the carbon issue in this country.

When the details are released publicly on Sunday—despite the many times over the past week when there have been attempts to say what is going to happen, the details will not be released until Sunday—the issue will be in the public domain for discourse. There will be an expectation that people will be able to see the detail, will be able to argue about the impact on their own circumstances. And when parliament returns, as we see all the time, there will be the opportunity for informed discussion on the issue. Rather than just throwing up our hands with extraordinarily quick movements in every direction—much like that of Queensland rugby league team!—there will be the opportunity for debate here so we will be able to look at the real issue.

We have seen over the past months the development of concern, information and knowledge about why there should be a price on carbon. We have had this discussion. There will be people who will never agree, and we hear that regularly in this place.

The government has a position. There has been a multi-party group considering this over several months but unfortunately, as I said before, that multi-party group was lacking a couple of parties. Nonetheless, the multi-party group looked at the ways of doing this and the reasons, the background to our responsibilities on the issue of carbon.
No matter how many times you throw up the argument that because some people are not doing anything in this area then we should not, it is not a reasonable response to an international need and an international demand. As a community, as a country, we must look at the issues of pollution and carbon pricing and the destruction of our environment. Once that threshold point is there, then you look at how you do it. The process this government is putting forward to the community, to the debate in this parliament, is that there should be a price on carbon. How it will work, what will be the individual processes and what will be the compensation to individuals and business will be the subjects of debate. But to just pretend that there has never been a taxation process discussed in parliament before, to pretend that we have any right as an Australian community or parliament to run away from our responsibilities, to pluck figures from the air and say that we will not be able to effectively and reasonably take this debate here, is not a respectful way of looking at the way parliament operates. There will be a debate on carbon price. There must be a debate on carbon price. When we get into the aspects of how it will work, there shall be a sensible discussion on carbon price. To run a scare campaign, to pretend that the only response to the economy has been taxation from one side of government, lowers the argument. It shows that there is not an intent to look at the real issues. Once again, for people not to want to look at the real issues around the need for our whole globe, our whole area, to take their responsibilities in this incredibly important area of protecting the environment is not safe. (Time expired)

Senator IAN MACDONALD (Queensland) (15:23): The two Australian Labor Party speakers have told us, 'Wait until Sunday and you will hear what Ms Gillard is going to promise by way of compensation to all of those Australian families that will be attacked by Labor's newest tax, this time the carbon tax.' I say to Senator Moore or Senator Brown: who could possibly believe Julia Gillard, our Prime Minister, on her form? A couple of days before the last election, Julia Gillard got up, hand on heart, and promised faithfully to the Australian public, 'There will be no carbon tax under a government I lead.' Six short months later she is doing the exact opposite. I say to my colleagues in the Australian Labor Party opposite: whatever Ms Gillard says on Sunday absolutely no-one will believe, because this person has form when it comes to telling the truth.

Senator Moore also raised in her contribution to this debate to take note of answers at question time the issue of taxes having been introduced by every government since Federation. I agree with her. It was a government that I was a minister in which introduced the goods and services tax. The difference with the GST is that John Howard laid out on the table every element of the GST, told the Australian public what was going to happen with the GST and then went to an election. If the Australian public did not want a GST, they could have voted the Howard government out. They did not. They returned the Howard government and the GST, thankfully, has been the greatest financial reform that this country has ever seen, and it was genuine reform done by the Howard government and done honestly. Contrast that with the Gillard government: 'There shall be no carbon tax under a government I lead'—hand on heart, a solemn promise, four days before the election and one day before the last election.

People in New South Wales, people around Australia, voted for Ms Gillard and her party because they believed her with her promise that there shall be no carbon tax. You can understand now why opinion poll
after opinion poll is showing how absolutely annoyed, how angry, the Australian voters are that they were deceived then. They are also angry that Ms Gillard promised she would be more likely to play full-forward for the Bulldogs than to take over Kevin Rudd's job. A couple of days later, what did she do? She got out the sabre, knifed him right in the back and became Prime Minister. This person has form. The Australian public, I suggest, have stopped listening to Ms Gillard. They do not believe and will not believe anything she says, and I say to the Australian public that you are very wise to take absolutely no notice of anything Ms Gillard might tell you on Sunday about so-called compensation. There is no need for compensation. All you do is not have the tax and then you do not have to worry about compensation.

As one of my colleagues pointed out, Australia emits less than 1.4 per cent of the world's total greenhouse gas emissions. I would like Senator Wong to participate in this debate and tell me if, as a result of this carbon tax, Australia's emissions are reduced by five per cent by 2020 what that is going to do to the total reduction in greenhouse emissions around the world. Absolutely nothing. What it will do is send jobs offshore, namely, to China, where they do not have a carbon tax or an emissions trading scheme, where they have less stringent rules than we have in Australia, and they would be more than doubling in a few weeks the reduction in the amount of emissions from Australia. If anyone can tell me how that is a good idea, I would be delighted to learn. I do know that, as a result of this carbon tax, Australia's standard of living will fall, our cost of living will increase and people up in North Queensland, Central Queensland, the coalmines and the manufacturing areas will lose their jobs because of this carbon tax—from a Prime Minister we simply cannot trust.

Question agreed to.

MINISTERIAL STATEMENTS

Live Animal Exports

Global Economy

Australia's Aid Program

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:28): I present three ministerial statements relating to live animal exports, the global economy and the effectiveness of Australia’s aid program.

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (15:28): Mr Deputy President, I seek leave to take note of the ministerial statement on live animal exports.

Leave granted.

Senator SCULLION: I move:

That the Senate take note of the document.

I rise to take note of the ministerial statement tabled on behalf of Senator Ludwig relating to live animal exports. The tabling of this particular report leaves me in absolutely no doubt that this a government that has completely lost its way. I read this report with some concern, and I was genuinely looking for some hope that, after the month that has provided pain at every level of every community and to every family and every business in North Australia, something would have changed—that there would be one single thing that would have changed in their lives that they could look back upon and say, 'Obviously this has changed since the first announcement that we had a month ago.' Sadly, that is not the case.

I was just having a quick glance at the statement. In it Senator Ludwig says:

... I would not wait a day longer than I had to before lifting the suspension.
He then goes on to say:
We had been able to reach agreement with industry about how international standards would be operationalised.

Operationalising international standards is a job that people do every day. It is a very simple process. You have critical control points, you have a set of standards, and someone identifies critical control points in those standards. This only relates to animal welfare and traceability.

But the critical control points in addition to those already in place—and well known by this government—were at the point at which the feedlot already had the standard. The pretty blonde cow with No. 63 in her ear goes through onto the ship, into the feedlot. She has already been traced there so she then gets onto the truck that goes to processing. There is a panel there that does it and that is a standard, so that is a critical control point that they have to go to. They then go the processing facility, the tag comes off and we know that there has been no loss of that animal in that process. The animal is then processed and at the point of processing the ear tag is then deemed to have closed the system. This is not rocket science; it is something that people do every single day.

Senator Ludwig goes on to say:
… we had advice that Indonesia was prepared to issue import permits for the importation of live cattle.

This is all a rationalisation about why they opened the trade: we have opened the trade because we have advice from Indonesia that they are prepared to issue import permits for the importation of cattle. I think it would strike almost anybody that one is unlikely to be able to issue an import permit from a country that had a prohibition on export. It would have been a bit difficult for the person who was processing this import. They would be asked: 'Where are you actually getting the cattle from? Australia? That does seem a bit odd, because they have been telling us that they have an export ban.' Saying that somehow this information that Indonesia was prepared to issue import permits was a reason or rationale for why the government changed its mind absolutely beggars belief.

This statement is difficult to follow and understand. Frankly, I do not really understand why the minister put out a statement that provides no further information. It further confuses history; perhaps that is its intent. Senator Ludwig goes on to say:

Last Thursday, 30 June, while in Darwin, the Prime Minister addressed industry saying—and this would have been very useful for industry; they would have been very gratified to hear this—

"The best thing we can do for the sustained strong future of this industry is get the animal welfare issues right."

That was last Thursday. That would have been big news for industry. Those disconnected families, those people without jobs and those with twice as many cattle as can be taken on the rangelands would have said: 'Well, now it's okay. We have had this wonderful piece of information. We all feel a lot better.'
It is an environmental nightmare, a human tragedy across the Top End of proportions we have certainly not seen in my time in this country. It is a complete meltdown, and that is the advice that they gave them. The Prime Minister is talking about animal welfare issues. Perhaps she was not aware that, as a consequence of the ban, having twice as many cows with the same amount of grass would cause an animal welfare issue. And we have actually quoted this complete debacle in the state. It beggars belief why someone would rush and put out this sort of rubbish.

Senator Ludwig's statement goes on to say:

We have put in place a framework which allows this to occur, and these standards will be public documents.

It was the industry that did the work. I was over in Indonesia last weekend. I was talking to industry; I was looking at how they did it. I did not see any government officials over there doing the work. 'We put the framework in place.' What Labor has done has created a complete human disaster across the Top End. Now they are saying, 'Oops, sorry about that,' and are going to somehow take the credit for fixing it. This is emblematic of this government. The only time they appear to tell you they have done something well is to say: 'Look, we've fixed it. Pink batts? Sorry about that; no, we've got another program. You're supposed to clap.' In respect of the disaster with the school halls debacle, Building the Education Revolution, they say: 'Oh, by the way, the media says we have invested in all this stuff. We'll fix it.' They are absolute rocket scientists at fixing disasters of their own making, and this is another one.

Right from day one, we were pretty pleasant about it; we said, 'Look, the thing you need to do is to reverse this decision. You made a reasonable decision on day one.' The decision made on day one was to say: 'Look, there are obviously places these cattle do not need to go to. You can only send them to places where we are assured that the animals will be treated to a standard.' Those standards were there then. Those inline processes were there then. All they had to do was lift the ban, and that is the only thing they did not do for a full month. Of course, they have waved the magic wand; it is all fine now! There are just a couple of things missing. An important one, of course, is those cattle. Now, where do we put them? They are probably in the back paddock.

I have driven down some of these fencelines and they are 100 kilometres long in one paddock. These are enormous places. This is an extensive enterprise. This is not intensive farming. You do not whistle up the sheepdog and go round the back paddock and squirrel them onto the truck. This is an enormous undertaking, and they are doing it for the second time. They have already invested hundreds of thousands of dollars in getting these cattle to the point where they are, and suddenly they are told: 'Sorry about that, guys. Just go back to square one.' Do they think they are going to keep the cattle in a pen? You cannot do that. There is not any fodder. They have done the right thing in looking after the animals, and they have released them back onto the rangeland. We have to get the cattle back. I have had numbers of very sad and tragic calls from people trying to find work in pretty tough conditions. The trucks are still sitting there; it is pretty hard to start the truck without the driver, as Mr Sterle will attest. Some of them have gone to the mines. Some of them are looking for other work. I can tell you that, when someone moves from driving a truck with cattle and makes the decision to go to the mines, sometimes it is pretty hard to get them back.
And that is the other thing, of course: we have that bit of water between us. So we are going to need the odd ship. I tell you what: it is going to take more than a sheepdog to find those. They have gone to other parts of the world to ply their trade in different places with different cattle to our market. These ships are not going to arrive like that. So they are on the phone now saying, 'Sorry about that.' The Australian government are not making those calls. It is the exporters saying: 'I wonder where those ships went. If you can possibly come back. I know it's a bit embarrassing; this government does that a bit.'

The other thing is how the markets are going. Every day last year we exported 15,000 head of cattle. This is a fresh-meat market, and there is a process. What is going to happen now is that every ship that did not sail—every day that went past—was another 15,000 head that will not leave our range-lands and will not arrive in the marketplace.

And of course there is the relationship with Indonesia. I am completely embarrassed when a Third World, developing country refers to Australia as a sovereign risk, very irresponsible. That is what they have said. (Time expired)

Senator STERLE (Western Australia) (15:39): I rise today because I wish to make comments supporting the statement by the Minister for Agriculture, Fisheries and Forestry, Senator the Hon. Joe Ludwig.

Senator Cormann: You should be embarrassed.

Senator STERLE: Mr Deputy President, I congratulate you on your promotion. I stand to make a comment and all of a sudden I hear the mouth from the west going off. It did not take him long!

I made a contribution yesterday and I want to reiterate what I was talking about. I am one of those senators who are so glad to see the ban lifted. I said yesterday, in support of Senator Scullion and in support of my colleagues from Western Australia Senator Back and Senator Adams, that this $330 million industry is so darn vital to the north of our country that I would hate to think where we would be without it. I also said yesterday and reiterate that some 500,000 head of cattle went out last year but it is the thousands and thousands of jobs in the Top End of Australia, particularly in my state of Western Australia, in the Northern Territory and in Queensland—it is to a lesser extent in some of the other states—without which the north of Australia could not survive on tourism alone. There are bits of mining here and there; that is quite right.

I want to talk about the Kimberley. That is a part of the world where—unlike you, Senator Cormann, or you, Mr Deputy President, though I stand to be corrected if I am wrong—I made my living from 1979 through to 1991. I still have a very long affiliation with the Kimberley, in particular through my connections and my work with the Kimberley Aboriginal Pastoralists Association. As I said yesterday, Mr Doodie Lawford from Bohemia Downs, who represents 22 Aboriginal pastoral leases, said that without the opportunity of the live export trade he did not know where they would be. They proudly employ Aboriginal boys as stockmen through Doodie Lawford and KAPA, who for years have invested in training Aboriginal boys to get them out of some of the sad situations they find themselves in in some of our Kimberley towns like Fitzroy, Broome, Derby, Wyndham and Kununurra, to give them the opportunity to follow in the footsteps of their grandfathers. There is such pride in watching them do that. So when the ban was put on, after those shocking images that we saw on Four Corners that evening, it worried me to
think where these boys would end up if we did not have a live export trade.

I go back to one of the greatest prime ministers we had in this country: the Right Hon. RJ Hawke. When Prime Minister Hawke took the initiative and had the determination to give our Aboriginal traditional owners the opportunity not only to work their country but own their country; self-determine and make a decent, honest living; live in country and do the things they want to do; and pass on their language, law and culture to their young ones; what a wonderful opportunity there was through pastoralism. So I take offence when I find those on the opposite side bagging us because we have endeavoured to do whatever we could to get this industry back on its feet.

Let us make no mistake: the ban had to be put on. But, as the Prime Minister has said repeatedly and as the honourable Minister for Agriculture, Fisheries and Forestry, Senator Ludwig, has said, not one day longer would we take than needed to get this industry up and running again. And here we have Senator Scullion, who I still believe is a very honourable representative of the Northern Territory pastoral industry, standing here condemning and bagging us. Does he want us to put a ban back on and stop the industry again? We know that the industry will not kick off and be exporting cattle tonight; but, for crying out loud, we actually now have a system where we will have full traceability. We will have auditing on the ground, which I know Senator Back and I have discussed. Senator Back and I work very closely. We are not on the same side of the political fence, but we both have decency in our DNA. There you go, Senator Back; you owe me one! But what we have discussed is having this sort of thing on the ground where we have accountability and traceability so we know where our cattle are going. I think it is a darn good start that that ban has been lifted, and I want to do everything I can in supporting the minister, the Prime Minister, the Minister for Foreign Affairs and the Minister for Trade, who worked day and night to get this industry back up and running. So I can go back up to the Kimberley next week, where I will be, and I will be on one of those Aboriginal pastoral leases, at Doon Doon. I will be talking to the traditional owners at Doon Doon, and I will be getting their concerns. I have to tell you: I am in Doon Doon every year at least once and, if there were not a live export trade, those poor devils would have absolutely nothing. They would have no chance of jobs, no chance of a decent living and no chance of self-respect.

So I do take offence when I hear the opposition condemning us for actually acting, and I also take offence when I find out that Animals Australia and the RSPCA, as I said yesterday, had held those images for at least one month before the images were aired on the Four Corners program; they gave them to Senator Coonan. Through you, Mr Deputy President, I do not condemn Senator Coonan. Senator Coonan is a very decent person, and she would have been alarmed at those images. But when I find out that those animal representative bodies, who I have supported—the RSPCA in particular, who were always welcome in my office until now—held those images so they could build up, in their words as reported by Colin Bettles, political ammunition and political angst, they should stand condemned too. The truth of the matter is that those people are not honourable. Those people do not care about our northern pastoral industry. They do not care about our Aboriginal pastoralists. They do not care about those Aboriginal boys with dreams in their eyes of following their grandfathers' footsteps to become stockmen. If those groups had their way, those
Aboriginal people would live under a tree peacefully and we would not have to put up with them. So they stand condemned in my view.

We will get this industry up and running. It is up and running. We have a system now that we did not have before. Quite rightly, I do not believe one Australian could sit back and condone the practices that were seen on that footage shot in Indonesia in those abattoirs. It made me feel sick. But I want to also stress this, Mr Acting Deputy President—sorry, Mr Deputy President. I am so glad of your promotion; I really am. It is coming through my head, because you and I came into the Senate at the same time and, again, I am so proud of that. Unfortunately, there is no other alternative for our northern pastoral industry. There are all these myths around that we could go back to the good old days and open the abattoirs again in Port Hedland, in Broome, in Derby, in Wyndham and in Kununurra. I say this clearly: I would much rather see a boxed meat market. I would much rather see Australian abattoirs employing Australians—Australian jobs. I could not think of anything better. There is no market for that. There is no demand for a frozen meat market to Indonesia. We are talking about some 2,000-odd islands out there. We are talking about abattoirs—wet abattoirs—that do not even have access to electricity, so they do not have freezers. They do not have Coles and Woolworths on every corner where they can walk in and buy their cuts. Unfortunately for us, that is our market. But it is our responsibility to put in a decent system of accountability, traceability and auditing, and that is what the minister has done.

I want to congratulate the minister. It has been a horrific time for him. It has been a horrific time for our producers, our truckies, our stockmen and our rural businesses that rely on the northern live export trade—our truck owners, our tyre fitters, our electricians, the mechanics and everyone who services those industries in the Top End of Australia. Without that industry—well, I do not even want to go there. So the minister must stand congratulated. It is in the best interests of Australians. The opposition should be standing alongside us. The opposition should be working with us and should congratulate us. We should congratulate the industry for taking that step forward, and we should congratulate people like Mr Paul Holmes a Court—I think it is Paul, but I am sorry if it is not; it might be Peter—who has said clearly to his clients that not one of his cattle will go to an abattoir unless it is stunned. He has made that decision, and I urge all Australian cattle producers to follow his lead.

Senator BACK (Western Australia) (15:49): I rise to take note of the ministerial statement of Senator Ludwig, the Minister for Agriculture, Fisheries and Forestry. He is to be acknowledged for the fact that this suspension has been lifted as of last evening. Some of the comments made by previous speakers—Senator Scullion and Senator Sterle—are certainly acknowledged. The tragedy is that there never was a need to completely suspend the trade. On 3 June this year I circulated very widely a media release; I will quote from parts of it. I called for immediate action to improve animal welfare practices in Indonesian abattoirs and to restore confidence to the Australian producers and, of course, the wider community. But I went on to say that we should not do anything at all to ban the export of live animals to Indonesia, because it would pose significant risks to biosecurity, marketing and diplomatic relations. Regrettably, my predictions were true.

In his statement, the minister has made the observation:

Following the provision of the footage—
that is the ABC footage—

the Government moved to suspend supply of Australian livestock to the featured abattoirs ...

The coalition strongly supported the minister at that time to that extent and, had he stopped at that point, he would have continued to enjoy that support. But, despite the advice given to him by people who know the industry, who understand well the animal welfare and other implications and who understand well the outrage of the community—quite rightly—at the footage we saw, regrettably he took that step of completely suspending the trade, placing Australian producers, Australian supporters of the industry and the welfare of animals in the north of Australia at risk and, of course, not only severely damaging the diplomatic relations we have with Indonesia as a favoured neighbour but also placing at risk the supply of much-needed protein for the community there.

There is a lesson here for everybody in this parliament, and the lesson is one of not jumping to a quick conclusion based on television footage and social media reactions. I will not speak in this place at this time about the fairness, the bias or the validity of that ABC footage; that is for another time in this place. What I will, however, comment on is the severity of the reaction which forced this government to act. Let me comment by way of contrast that the same program, Four Corners, only this Monday evening ran an horrific series of footage on the atrocities visited upon women in Sri Lanka by both sides of their political movement in recent times, the sort of footage vastly worse, surely, addressed upon human beings. I will not relay what has been put to me of that footage, but what has been the outcry around the Australian community in the last 72 hours to that footage? Practically nil; yet the terrible footage we saw of the absolutely unquestioned cruelty visited upon those animals in Indonesia led to an email campaign where I received hundreds of thousands of emails.

Regrettably, I was able to confirm only this morning that an email apparently sent to me by one of my relations in fact was false—it was a fraud. I rang him and said, 'Rex, it is unusual: if you had that degree of interest and concern, knowing that we are related and that I have been in this game of 40 years, I would have thought you might have called me.' He said, 'Chris, I am outraged at the reaction that occurred in the first place that actually caused the suspension of the whole trade.' He also comes from an agricultural background. How many more of those emails were fraudulent? It was an absolute disgrace.

I certainly do acknowledge the minister has now moved to this position whereby the trade will reopen. The point I want to make is that, with proper consultation with the industry and with Indonesian interests, we need never have suspended the trade to those abattoirs that do already meet and, indeed, exceed OIE international animal health requirements—and I speak of some managed by Indonesians, some managed by Australians.

The traceability to which the minister has referred in his document is quite correct. Australia, unknown to others, leads the world already in national livestock identification. We are the only country to have it. You might say, 'Well, why aren’t the pastoral cattle already identified in the scheme?' The reason is that, quite simply, it was a scheme designed so that, if somebody had an adverse reaction to meat they had purchased from a retailer yesterday or the day before, that meat could be followed right back to the farm of origin. That was the purpose for which we brought the NLIS into place. But when it was brought in the
northern pastoral industry went to government and said: 'Look, our calves are born on the station, they grow, they go from the station to the port, from the port to the feedlot in Indonesia and then to the abattoir. We believe that there is no need for an NLIS association with our cattle.' That was agreed upon. The point to be made now is that the Australian industry is so well versed we have already got in place the only international NLIS. To fill that gap and complete that loop always was an easy task.

One of the comments I made in my release on 3 June was the need for an:
... independent assessment by competent people to review the welfare and management standards in Indonesian abattoirs, including those processing Australian cattle ...
That 'was essential' as was the reporting back to the Australian community. I am pleased that the minister has acknowledged the contribution of the Australian Veterinary Association, with whom the minister and his department have worked closely to achieve what was announced last night. I have long maintained that well-experienced veterinarians are the very people to be able to satisfy interests here in Australia, the community, producers and others. He has announced that it will be audited by international independent audit agencies. I am very happy with that process. I make the point simply that it was not necessary to close the trade down to achieve that outcome.

What is the impact of closing down the trade? Animals are not like a mine site. If the price of gold or iron ore is not right, you can just leave the minerals in the ground. Animals are not like a production line of motor cars. If something adverse occurs, if there is an interruption in supply or a problem with labour or a problem with power, you can just turn off the switch, close the doors and everybody goes home. Even an airline, dare I say, with an animal related name like Tiger—regrettable and all as that is, and I hope for everybody's sake that safety issues can be addressed and that that airline can start flying again—does not require daily feeding. The planes are not out there growing, they are not out there reproducing and they are not out there having calves like the cows in the range lands are at this very moment. That is a lesson that is surely learnt for the future. We cannot have a circumstance in a livestock related enterprise where we just close it down with no consultation with producers, with exporters, with those involved in the supply chain and particularly with our end market.

I have made the point before, and my colleague Senator Scullion has made it also, that we are now going to see overstocking on the rangelands. We are not going to get back to exporting 500,000 or 600,000 cattle a year. We are going to see overgrazing on the rangelands. This year's calves are going to be competing with last year's calves, which should be on ships and which should be going to Indonesia.

I make the point again that the properties we are speaking about are leasehold properties in which the pastoralist has no equity. He cannot go to the bank and use his pastoral lease as collateral. It is questionable now what the value of his livestock is. Therefore, if these pastoralists have to walk off their properties, regrettably they will walk off them with absolutely nothing.

I conclude my comments with the Indonesian relationship—one, as I pointed out yesterday, that has been built up over many years and one in which the Indonesians have built up confidence in us. I hope that they will not see the events of the last five weeks as being irreparable. I hope they will see that we have invested heavily with them over time, that we have walked beside them over time and that we want to continue walking
beside them over time to once again become a reliable supplier of product, of protein, of expertise and of shared technology. I hope we never have the circumstance again in which Australia is an unreliable supplier.

Question agreed to.

**COMMITTEES**

**Government Response to Report**

The **ACTING DEPUTY PRESIDENT (Senator Marshall):** On behalf of the President, and in accordance with the usual practice, I table a report of parliamentary committee reports to which the government has not responded within the prescribed period. The report has been circulated to honourable senators. With the concurrence of the Senate, the report will be incorporated in *Hansard.*

The report read as follows—

**PRESIDENT'S REPORT TO THE SENATE ON GOVERNMENT RESPONSES OUTSTANDING TO PARLIAMENTARY COMMITTEE REPORTS AS AT 6 JULY 2011**

**PREFACE**

This document continues the practice of presenting to the Senate twice each year a list of government responses to Senate and joint committee reports as well as responses which remain outstanding.

The practice of presenting this list to the Senate is in accordance with the resolution of the Senate of 14 March 1973 and the undertaking by successive governments to respond to parliamentary committee reports in timely fashion. On 26 May 1978 the Minister for Administrative Services (Senator Withers) informed the Senate that within six months of the tabling of a committee report, the responsible minister would make a statement in the Parliament outlining the action the government proposed to take in relation to the report. The period for responses was reduced from six months to three months in 1983 by the incoming government. The Leader of the Government in the Senate announced this change on 24 August 1983. The method of response continued to be by way of statement. Subsequently, on 16 October 1991 the government advised that responses to committee reports would be made by letter to a committee chair, with the letter being tabled in the Senate at the earliest opportunity. The government affirmed this commitment in June 1996 to respond to relevant parliamentary committee reports within three months of presentation. The current government indicated on 26 June and 4 December 2008 that it is committed to providing timely responses to parliamentary committee reports.

Although, on 29 September 2010, the House agreed to a resolution which places a six month response time on House and joint committee reports tabled in the House, the Senate has not agreed to a similar resolution. Therefore, this list is prepared on the basis of a three month reporting requirement for Senate and joint committee reports tabled in the Senate.

This list does not usually include reports of the Parliamentary Standing Committee on Public Works or the following Senate Standing Committees: Appropriations and Staffing, Privileges, Procedure, Publications, Regulations and Ordinances, Scrutiny of Bills, Selection of Bills and Senators' Interests. However, such reports will be included if they require a response. Government responses to reports of the Public Works Committee are normally reflected in motions in the House of Representatives for the approval of works after the relevant report has been presented and considered.

Reports of the Joint Committee of Public Accounts and Audit (JCPAA) primarily make administrative recommendations but may make policy recommendations. A government response is required in respect of such policy recommendations made by the committee. However, responses to administrative recommendations are made in the form of an executive minute provided to, and subsequently tabled by, the committee. Agencies responding to administrative recommendations are required to provide an executive minute within six months of the tabling of a report. The committee monitors the provision of such responses.

An entry on this list for a report of the JCPAA containing only administrative recommendations is annotated to indicate that the response is to be
provided in the form of an executive minute. Consequently, any other government response is not required. However, any reports containing policy recommendations are included in this report as requiring a government response.

Senate committees report on bills and the provisions of bills. Only those reports in this category that make recommendations which cannot readily be addressed during the consideration of the bill, and therefore require a response, are listed. The list also does not include reports by committees on estimates or scrutiny of annual reports, unless recommendations are made that require a response.

A guide to the legend used in the 'Date response presented/made to the Senate' column

* See document tabled in the Senate on 6 July 2011, entitled Government Responses to Parliamentary Committee Reports—Response to the schedule tabled by the President of the Senate on 9 February 2011 for Government interim/final response.

** Report contains administrative recommendation — any response to those recommendations is to be provided to the JCPAA committee in the form of an executive minute.

1See House of Representatives Hansard, 26 June 2008, p6131 and 4 December 2008, p1263, and Journals of the Senate, 4 December 2008, p1447

2See House of Representatives Votes and Proceedings, 29 September 2010, p44

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**Publications (Joint Standing)**

Inquiry into the development of a digital repository and electronic distribution of the Parliamentary Paper Series

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<td>11.8.09 (presented 10.5.11 (presented 6.4.11)</td>
<td>10.5.11 (presented 6.4.11)</td>
<td>No</td>
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<td>Second report 2009</td>
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<td>Third report 2009</td>
<td>26.11.09 (presented 10.5.11 (presented 6.4.11)</td>
<td>10.5.11 (presented 6.4.11)</td>
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<td>Fourth report 2010</td>
<td>13.5.10 (presented 13.5.10 (presented 6.4.11)</td>
<td>*(interim) *(interim)</td>
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<td>Final report 2010</td>
<td>28.9.10 (presented 28.9.10 (presented 6.4.11)</td>
<td>*(interim) *(interim)</td>
<td>No</td>
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<td>Rural Affairs and Transport Legislation</td>
<td>18.11.10 *(interim)</td>
<td>23.6.11 *(interim)</td>
<td>No</td>
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<tr>
<td>Exposure draft and explanatory memorandum of the Illegal Logging Prohibition Bill 2011</td>
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<tr>
<td>Rural Affairs and Transport References</td>
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<tr>
<td>Australian horse industry and an Emergency Animal Disease Response Agreement</td>
<td>9.2.11 (presented 9.2.11 (presented 26.11.10)</td>
<td>10.5.11 (presented 7.4.11)</td>
<td>Yes</td>
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<td>Science underpinning the inability to eradicate the Asian honey bee—Interim report</td>
<td></td>
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<td>Sale of timber assets by the South Australian Government</td>
<td>10.5.11 (presented 10.5.11 (presented 7.4.11)</td>
<td>Not required</td>
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<td>Science underpinning the inability to eradicate the Asian honey bee—Final report</td>
<td>23.6.11 (presented 23.6.11 (presented 29.4.11)</td>
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<td>Time not expired</td>
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<td>Pilot training and airline safety; and consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010</td>
<td>23.6.11 (presented 23.6.11 (presented 29.4.11)</td>
<td>-</td>
<td>Time not expired</td>
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<tr>
<td>The social and economic impact of rural wind farms</td>
<td>23.6.11 (presented 23.6.11 (presented 29.4.11)</td>
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<td>Committee and title of report</td>
<td>Date report tabled</td>
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<td><strong>Rural and Regional Affairs and Transport References</strong></td>
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<tr>
<td>Iraqi wheat debt— repayments for wheat growers</td>
<td>16.6.05</td>
<td>*(interim)</td>
<td>No</td>
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<td></td>
<td>11.8.09</td>
<td>*(interim)</td>
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<td>*(presented 25.6.09)</td>
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<tr>
<td>Implications for long-term sustainable management of the Murray Darling Basin system—Final report</td>
<td>11.8.09</td>
<td>12.5.11</td>
<td>No</td>
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<tr>
<td>Import risk analysis (IRA) for the importation of Cavendish bananas from the Philippines</td>
<td>11.8.09</td>
<td>14.6.11</td>
<td>No</td>
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<td>*(presented 25.6.09)</td>
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<td>Meat marketing—Final report</td>
<td>11.8.09</td>
<td>*(interim)</td>
<td>No</td>
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<td>*(presented 30.6.09)</td>
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<td>20.8.09</td>
<td>*(interim)</td>
<td>No</td>
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<td>Investment of Commonwealth and State funds in public passenger transport infrastructure and services</td>
<td>14.9.09</td>
<td>10.2.11</td>
<td>No</td>
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<tr>
<td>Management of the removal of the rebate for AQIS export certification functions</td>
<td>2.2.10</td>
<td>*(interim)</td>
<td>No</td>
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<td></td>
<td>*(presented 18.12.09)</td>
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<td>Rural and regional access to secondary and tertiary education opportunities</td>
<td>4.2.10</td>
<td>3.3.11</td>
<td>No</td>
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<tr>
<td>Natural resource management and conservation challenges</td>
<td>18.3.10</td>
<td>*(interim)</td>
<td>No</td>
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<td>The possible impacts and consequences for public health, trade and agriculture of the Government's decision to relax import restrictions on beef — First report</td>
<td>23.6.10</td>
<td>*(interim)</td>
<td>No</td>
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<td>The possible impacts and consequences for public health, trade and agriculture of the Government's decision to relax import restrictions on beef — Final report</td>
<td>28.9.10</td>
<td>28.2.11</td>
<td>No</td>
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<td>*(presented 2.7.10)</td>
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<td>*(presented 22.2.11)</td>
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<td>The effectiveness of Airservices Australia's management of aircraft noise</td>
<td>7.2.07</td>
<td>*(interim)</td>
<td>No</td>
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<td>Rural and Regional Affairs and Transport Standing</td>
<td>4.9.08</td>
<td>14.6.11</td>
<td>No</td>
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<tr>
<td>Australia's future oil supply and alternative transport fuels—Final report</td>
<td>28.9.10</td>
<td>28.2.11</td>
<td>No</td>
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<tr>
<td>Meat marketing—Interim report</td>
<td>4.12.08</td>
<td>*(interim)</td>
<td>No</td>
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<td>Committee and title of report</td>
<td>Date report tabled</td>
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<td><strong>Scrutiny of New Taxes (Senate Select)</strong></td>
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<td>The student amenities fee—Another tax by another name</td>
<td>28.2.11</td>
<td>-</td>
<td>No</td>
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<td>New taxes monitoring database—Interim report</td>
<td>21.3.11</td>
<td>Not required</td>
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<tr>
<td>The mining tax: A bad tax out of a flawed process</td>
<td>4.7.11 (presented 29.6.11)</td>
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<td>Time not expired</td>
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<tr>
<td><strong>State Government Financial Management (Senate Select)</strong></td>
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<td>Report</td>
<td>18.9.08 *(interim)</td>
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<td><strong>Treaties (Joint Standing)</strong></td>
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<tr>
<td>Report 99—Treaties tabled on 3 December 2008 and 3 February 2009</td>
<td>16.3.09 (tabled HoR 12.3.09)</td>
<td>10.2.11</td>
<td>No</td>
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<td>Report 100—Treaties tabled on 25 June 2008 (2)</td>
<td>19.3.09</td>
<td>*(interim)</td>
<td>No</td>
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<td>Report 107—Treaties tabled on 20 August (2) and 15 September 2009</td>
<td>17.11.09 (tabled HoR 16.11.09)</td>
<td>12.5.11</td>
<td>No</td>
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<td>Report 110—Treaties tabled on 18, 25 (2) and 26 November 2009 and 2 (2) February 2010</td>
<td>16.3.10 (tabled HoR 15.3.10)</td>
<td>*(interim)</td>
<td>No</td>
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<td>Report 111—Treaties tabled on 25 November 2009 (3), 4 and 24 February 2010</td>
<td>22.6.10 (tabled HoR 21.6.10)</td>
<td>12.5.11 (presented 25.3.11)</td>
<td>No</td>
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<td>Report 114—Treaties referred on 16 November 2010 (part 1)</td>
<td>9.2.11 (presented 3.12.10)</td>
<td>Not required</td>
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<td>Report 115—Treaties tabled on 28 October and 24 November 2010 and treaties referred on 16 November 2010 (part 2)</td>
<td>21.3.11</td>
<td>Not required</td>
<td>-</td>
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<tr>
<td>Report 116—Treaties tabled on 24 and 25 November 2010, 9 February and 1 March 2011; and Treaties referred on 16 November 2010 (Part 3)</td>
<td>11.5.11</td>
<td>-</td>
<td>Time not expired</td>
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<tr>
<td>Report 117—Treaties tabled on 9 and 10 February, and 1 March 2011</td>
<td>15.6.11 (tabled HoR 14.6.11)</td>
<td>Not required</td>
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DOCUMENTS
Tabling

Senator LUNDY: I table documents which are listed at item 15(b) on today’s Order of Business, as well as a document relating to the HMAS Success Commissioner of Inquiry.


Documents relating to travel:
- Schedule of special purpose flights paid by the Department of Defence for the period 1 July to 31 December 2010
- Parliamentarians’ overseas study travel reports for the period 1 July to 31 December 2010
- Former parliamentarians’ expenditure on entitlements paid by the Department of Finance and Deregulation for the period 1 July to 31 December 2010
- Parliamentarians’ expenditure on entitlements paid by the Department of Finance and Deregulation for the period 1 July to 31 December 2010

DELEGATION REPORTS
Parliamentary Delegation to Switzerland and France

Senator CROSSIN (Northern Territory) (16:00): I seek leave to present a delegation report.

Leave granted.

Senator CROSSIN: I present the report of the Australian parliamentary delegation to the 123rd Assembly of the Inter-Parliamentary Union held in Geneva, Switzerland and meetings with international organisations held in Paris, France, from 1 to 11 October 2010 and I seek leave to move a motion to take note of the document.

Leave granted.
disasters, and in particular with regard to flood-stricken Pakistan. In hindsight, little did we know as the Australian parliament delegation when we provided some input into that motion being debated, that we would confront the tragedies that we saw in this country earlier this year in Queensland, New South Wales and Victoria. Little did we know that the Japanese delegation we met would soon experience the overwhelming tragedy that beset them when the tsunami occurred in their country. It is always very useful to have a discussion about how other countries tackle emergency situations such as those. Lessons have been learned and lessons could be learned and there is an exchange of ideas particularly from countries like Australia who have such a well-trained and well-equipped emergency management response, and teams in place.

There were a number of other panel discussions, one of them providing a sound legislative framework aimed at preventing violence and improving election monitoring and ensuring a smooth transition to power. It reminded me, of course, that we can go from having one political party in power in this country to, overnight, having another political party in power, and our democracy is so well respected and well acknowledged that we do that seamlessly. When you go to an IPU meeting you have over 190 other countries confronting you and telling you that in their countries life is so not like that. In fact, life can be quite horrific and terrifying and devastating for many people when there is a change of political parties. So, again, Australia should hold its head up quite proudly because we know how expertly run our electoral system is and how much confidence the Australian public have in the way in which our elections are held and run, without bias and without political or military interference.

We also debated the role of parliaments in ensuring sustainable development through the management of natural resources, agricultural production and demographic change. And of course transparency and accountability in political party funding was the third general motion that was debated at that IPU meeting.

I want to spend some time highlighting the 15th Meeting of Women Parliamentarians which Judith and I attended and reported back to from a meeting that had been held in Bangkok. The emphasis there was on human trafficking and violence against women in places of detention and prison. Again, it is useful to hear what is happening around the globe in relation to the way women are treated, the placement of women in societies and the way in which women parliamentarians can use their position to improve what is happening. There are other subsidiary committees that meet at the same time and I was invited to attend the Advisory Group of the IPU committee that looks at United Nations affairs. This is a new group that has been formed to have a look at how the IPU itself can influence what is happening in the United Nations and how politicians from different countries can have input into what is happening at the UN. Australia has been invited by the president to nominate a delegate for this special advisory group. We have been invited to represent the Asia-Pacific group on the advisory group for an initial term of two years. I attended that initial meeting because I was in Geneva at the time representing Australia. I understand since then the Presiding Officers have nominated Anthony Byrne as the subsequent and permanent representative of the Australian parliament for that initial two-year period. Again, I think this signals the esteem in which Australia and our politicians and our parliaments are held, to the point where we get specifically invited by the president to be
one of 12 countries on this advisory group advising on the way in which parliaments and politicians can have input into what is happening in the United Nations. We should be very proud of our input as a parliament and across parties into ensuring that other parliaments and other parliamentarians learn from what we do so well in this country.

We also went across to France, prior to the IPU meeting. We had an indication that we wanted to meet with the International Energy Agency which the four of us did. That meeting was to look at issues to do with climate change, energy renewables and carbon capture and storage. We also accepted an invitation to go again to the French Senate, where we had a delightful time. I have to say that there is some rapport with the French senators and Judith, Michael and I felt some allegiance in terms of their warm and welcoming friendship when it comes to sharing our knowledge. At the time they were debating a bill to increase the age of retirement. They complained that they had just had three consecutive sitting nights that went well past midnight, and we said that there were times when we could relate to that workload.

Finally, as a group we went to the OECD, the Organisation for Economic Cooperation and Development, again pursuing our work here, particularly looking at regional development. They have just undertaken a regional development review which they gave us copies of and briefed us about. We also went to UNESCO, the United Nations Educational, Scientific and Cultural Organisation, and I am particularly pleased to say that we were briefed there on what they are doing with World Heritage programs, in particular the provision for maintaining Indigenous languages and culture. I met Dr Douglas Nakashima at UNESCO and I have since invited him to attend the Garma Festival at Yirrkala, which will be held in a couple of weeks. I have not heard if he is coming, but I know he has a particular interest in the maintenance and preservation of Indigenous languages and culture. I thought connecting him with the Garma Festival in Gove, which is to be held in five or six weeks, would be a perfect way to do that.

All in all, I think the Australian parliamentarians who represented this parliament and this country at the IPU assembly again did an outstanding and very professional job, one where we can boast that the work that we do in this parliament which is cross-party and bipartisan is held in high regard around the world.

Question agreed to.

DOCUMENTS
Tabling

The Clerk: Documents are tabled in accordance with the list circulated to senators.

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

COMMITTEES
Membership

The ACTING DEPUTY PRESIDENT (Senator Marshall): The President has received a letter from party leaders and Independent senators requesting changes in the membership of committees.

Senator SHERRY: by leave—I move:

That senators be discharged from and appointed to committees as follows:

Finance and Public Administration Legislation Committee—
Discharged—Senator Kroger
Appointed—
Senator Edwards
Participating member: Senator Kroger
Finance and Public Administration

References Committee—
Discharged—Senator Kroger
Appointed—
Senator Edwards
Participating member: Senator Kroger

Foreign Affairs, Defence and Trade
Legislation Committee—
Discharged—Senator Kroger
Appointed—
Senator Eggleston
Participating member: Senator Kroger

Foreign Affairs, Defence and Trade
References Committee—
Discharged—Senator Edwards
Appointed—
Senator Eggleston
Participating member: Senator Kroger

Treaties—Joint Standing Committee—
Discharged—Senator Cash.

Question agreed to.

PARLIAMENTARY OFFICE HOLDERS

Temporary Chairmen of Committees

The ACTING DEPUTY PRESIDENT (Senator Marshall): Pursuant to standing order 12, I lay on the table warrants nominating Senators Adams, Cameron, Furner and Stephens as additional Temporary Chairmen of Committees when the Deputy President and Chair of Committees is absent.

PARLIAMENTARY RETIRING ALLOWANCES TRUST

The ACTING DEPUTY PRESIDENT (Senator Marshall): The President has received a letter from the Leader of the Government in the Senate, Senator Evans, nominating Senator Marshall to serve as a trustee on the Parliamentary Retiring Allowances Trust.

Senator SHERRY: by leave—I move:
That, in accordance with the provisions of the Parliamentary Contributory Superannuation Act 1948, the Senate appoints Senator Marshall as a trustee to serve on the Parliamentary Retiring Allowances Trust on and from today.

Question agreed to.

BILLS

Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010 [No. 2]

Second Reading

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

Senator LUDLAM (Western Australia) (16:13): I am really proud to speak to this bill today. I am going to go into a bit of detail about how this has been a very long time coming, about some of this history of this bill and about the reasons why the Australian Greens believe that it is such an important piece of legislation. We on the cross benches do not put a huge number of private senator's bills before this parliament, but this is certainly the most important one that I have carriage of.

Today, we are debating the question of whether we as legislators and representatives of our electorates across this country are competent and able to make the decision about whether or not to deploy Australian troops to theatres of war. This is not about exercises; this is not about routine training. This is about who makes the final decision. Is it this parliament on behalf of the Australian public and on behalf of the families who will lose loved ones when we send Australians into harm's way? Who should make that decision? Should it be this parliament—this chamber and the other place—or should it be the executive? I am very pleased that we are debating this bill today.
The Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010 [No. 2] has been known colloquially for several decades as the 'war powers bill'. It is about ensuring that a thorough debate is held in our parliament and that formal parliamentary endorsement is given before Australian governments take one of the most grave and serious responsibilities that a government can take: sending men and women to face danger, injury and—all too often death and to inflict danger, injury and death on others in wars overseas. In recent years, wars have been waged by our country without the support and approval, the deliberation and the consensus of this parliament. That is a mistake that this bill seeks to address.

I expect that as the debate proceeds we will hear from both of the old parties. Maybe I will be accused of being well intentioned. Maybe I will be accused of being a little naive.

Senator Johnston: Yes.

Senator LUDLAM: Bingo; I think we have it. I am interested to point out that what the speakers will be declaring is that they hold that they are not competent or willing to make this decision. These senators have stood on one side of the chamber or another and listened to the stories as defence ministers have informed this parliament—as they have had to over the last couple of years—that another Australian life has been lost. Are we competent to make those decisions? Are we the ones who should be making those decisions? I believe as a representative of the Australian people that we should make these extraordinary decisions on behalf of the nation. If we are not willing to take on that responsibility, what on earth are we doing here and who do we believe is the right person?

Senator Johnston: Yes.

Senator LUDLAM: Bingo; I think we have it. I am interested to point out that what the speakers will be declaring is that they hold that they are not competent or willing to make this decision. These senators have stood on one side of the chamber or another and listened to the stories as defence ministers have informed this parliament—as they have had to over the last couple of years—that another Australian life has been lost. Are we competent to make those decisions? Are we the ones who should be making those decisions? I believe as a representative of the Australian people that we should make these extraordinary decisions on behalf of the nation. If we are not willing to take on that responsibility, what on earth are we doing here and who do we believe is the right person?

It is appropriate to consider the costs associated in not ensuring that a proper debate is held before a deployment, in not ensuring that a war is necessary and legal. People need to understand the costs in lost lives and loss of international standing and credibility and the enormous financial costs of war.

We saw in 2003 what can happen when a handful of people make a decision to go to war in secret, behind closed doors and on a false premise. Australia was involved in an illegal war in Iraq that was justified using evidence later shown to be false. There was no proper debate before sending troops to war in Afghanistan, either. A debate was held more recently on the Afghanistan deployment at the behest of the Australian Greens. Senator Brown negotiated that into the agreement with the government last September because that debate had not been had in the 10 years of that deployment. We found later from the WikiLeaks drop exactly what our leaders think about what is going on in Afghanistan. We found out more from those revelations than from anything that the government or opposition told us in that parliamentary debate.

I agree with the foreign minister, who reportedly said that the Afghanistan deployment 'scared the hell out of him'. It is indeed a difficult, dangerous, bloody and grim situation. This war is not going well. We learned also from WikiLeaks that the Australian Federal Police Assistant Commissioner, Frank Prendergast, noted that the odds were stacked against success. Current training programs are hampered by illiteracy, corruption, drug addiction and insurgent penetration within the trainee body. All of these things were disclosed by the cables. He believes that a successful police training program will take 20 years to be effective in Afghanistan. None of that was told to this parliament when the debate was
had at the behest of the Greens. Ministers and even shadow spokespeople have to put the best face on it: 'Everything is going well; we just need more time. Don't worry; everything's fine. We know best.' And we know that that is not true.

Afghanistan needs institution building, not incendiary weapons. Afghanistan needs professional police, not police trained by the military, which tends—and history has shown this over and over again—to result in paramilitaries rather than community protectors. Afghan women, their suffering used as a symbol so cynically to justify war, are no safer today. Amnesty International says that women experience more insecurity and risk of sexual violence than during the Taliban era. A June 2011 survey by the Thomson Reuters Foundation showed that Afghanistan was the worst place in the world to be a woman—the worst place in the world 10 years into an occupation. The mission there is flawed.

The majority of Australians want our troops brought home from Afghanistan because they are increasingly aware that the mission is flawed. According to a Lowy Institute annual poll of Australians on foreign affairs issues, support for the war in Afghanistan continues to erode, with 59 per cent of Australians now opposed to Australia's continued military involvement. And the Australian parliament, on behalf of those people, can do nothing about it under the current set-up.

In the last couple of days we have had a shameful and haunting reminder of what it means to go into an illegal war. It means that crimes are committed in our name. I refer of course to the fact that Australia's defence forces have been revealed to have engaged in illegal activities, facilitating illegal detention practices in Iraq, including at the notorious Abu Ghraib prison and in Afghanistan I refer to the fact that an Australian officer was the primary author of the manual for processing prisoners in Iraq. He denied access by the Red Cross to detainees and said: 'The Red Cross call it ill treatment. We call it successful interrogation techniques.' That was a serving military lawyer. That is according to materials extracted under FOI by the Public Interest Advocacy Centre.

The 5 July editorial in the Sydney Morning Herald remarked on the implications of the situation with incredibly strong language, something very rarely seen in Australian discourse. The editorial says, 'What is it that we are fighting for? If the purpose of sending troops to Afghanistan and Iraq was to uphold the right of citizens to equality before the law, the rule of law, our submission to the American way was a betrayal of that goal.' This editorial discusses our relationship with the United States without dismissing the importance of the alliance—and I again hope that senators will not waste the time of the chamber by accusing us of having no fidelity to that alliance. That editorial uses words like 'cringe', 'self-abasing', 'willing humiliation' and 'abject submission' and calls for the drawing of firm and polite lines with our ally. It says that our respect for the United States should not require abject submission and that our beliefs help define what sort of country we wish to be.

Exercising our democratic institutions and getting the support of the parliament to send our forces into a war or warlike situation should be one important principle of the Australia way. It would safeguard us from betraying other fundamental principles around the law and respect for human rights. This bill aims to ensure that, as far as is constitutionally and, importantly, practically possible, ADF personnel are not sent overseas to engage in warlike actions and deployments into combat zones without the
approval of both houses of parliament. It is a very simple bill and I hope that senators have taken the time to read it. I know that Senator Faulkner has because, at the time that I introduced this bill, he was the defence minister. I can quite happily acknowledge now that I spoke to Senator Faulkner at the time and he told us that there was no support from the government on this bill historically. But he then at least paid this parliament the courtesy of reporting on the situation in Afghanistan. We could tell how much that cost you, Senator. Suddenly you are out attending funerals. You are getting briefings on just how serious the situation is there. You did the parliament the courtesy at least of pausing the rowdy and chaotic nature of the debate, which so often take off in trivial directions in here, by reporting on exactly what Australians were facing in the zones to which they were deployed.

But then the minister sits down and nothing further happens. Maybe we can seek leave to make a short statement of dissent or acknowledgement, but the parliament cannot actually do anything about the situation that we as the representatives of the Australian people find ourselves in. If it is not possible, if we are not competent as legislators to hold this important trust with the Australian people, what is it about us that makes us different to legislators in Denmark, Finland, Germany, Ireland, Slovakia, South Korea, Spain, Sweden, Switzerland and Turkey, where troop deployment is set down in constitutional or legislative provisions? Some form of parliamentary approval or consultation is routinely undertaken in Austria, the Czech Republic, Italy, Japan, Luxembourg, the Netherlands and Norway.

What is it about us as Australian legislators that we think we are not competent to step up and take responsibility for the bloodshed and misery that we would find ourselves in the position of having to duly authorise at some time? I think it is an act of absolute cowardice to avoid taking responsibility, as we do in here on other matters every day on one side of the chamber or another, knowing full well the consequences of the vote that we are taking.

The relative maturity of the debate in the UK on the war power—and the invasion of Iraq was vastly more costly in terms of British than in terms of Australian lives—has resulted in several thorough inquiries and a new parliamentary convention whereby the executive commits to trigger a debate leading to a resolution of the parliament before a deployment is undertaken. So in the Westminster parliament—the origins of our own legislature—they are having a debate of vastly greater maturity to that which we have been subject to here in Australia, and they have changed. I think they have had a far more honest conversation with themselves about the disaster of Iraq and the ongoing misery in Afghanistan.

The bill before us was considered by the Senate's Foreign Affairs, Defence and Trade Legislation Committee, which reported in February 2010. Unfortunately, despite receiving 31 public submissions, the majority of the committee declined to hold any public hearing to consider the legislation. It considered there was nothing really new to add to the debate.

Legislation seeking parliamentary input into decisions to send our troops to war was first put forward in the Senate in 1985. That is how long it has been, not since the debate begun, but since this parliament has had the instruments necessary to change this. It was put forward in 1985 by the former Australian Democrat Senator Colin Mason. In his second reading speech he pointed to the history of Australia's involvement in the Vietnam War. Not only was the parliament not consulted in the deployment of Austra-
lian defence personnel to fight in Vietnam but, as Senator Mason pointed out at the
time, the Australian public were blatantly lied to by the government of the day—it sounds
familiar doesn't it?—who stated that the deployment was in response to a call for help
from the government of South Vietnam. The truth, of course, was completely
different. It was a request for support that came from the government of the United States.
Four hundred and ninety-two members of the ADF, including 187 conscripts, were killed
in that war.

When that bill was debated in this chamber on 17 April 1986, the then minister,
Gareth Evans, said that the government sympathised with its underlying philosophy
but the practical difficulties inherent in its application were such that it could not be
supported. The bill was later reintroduced by Senator Mason's successor in New South
Wales, Senator Paul McLean, and remained on the Senate's Notice Paper throughout the
1990s. Similar legislation was reintroduced in the names of former Democrat Senators
Bartlett and Stott-Despoja in March 2003, a week after the Senate quite clearly voted
against the decision to commit Australian troops to war in Iraq.

There is something interesting. A resolution was passed and the executive took
absolutely no notice of it whatsoever. That is why we need this bill. The Labor and Liberal
parties combined in the Senate to vote down a motion from Senator Bob Brown for a
Senate committee to examine the legality of the government's deployment of troops to
Iraq, the likely implications for international law of this action and what mechanisms
could be used to require parliamentary consent for deployment of ADF personnel to
hostilities overseas. We now know that the justification for providing Australian troops
and assets to the Iraq invasion was, just as with Vietnam, a calculated deceit, driven
primarily by a desire to provide political cover for the United States government's
military agenda.

When this legislation was debated by the Senate on 10 February 2005, which I think
was the last time it was subject to any kind of debate in this place, former Labor Senator
Linda Kirk expressed concerns about ambiguities in legislation, whilst some
senators who spoke against the bill simply relied on supporting the Westminster
tradition—which has now changed—to justify the status quo. Others asserted that
there were definitional uncertainties as to how the bill would operate in practice. The
majority Senate committee report tabled on the inquiry into this bill in February of last
year, which was undertaken by the foreign affairs, defence and trade committee, said
something interesting:

… while wholeheartedly supporting debate in Parliament on any anticipated, proposed or actual
deployment to overseas warlike operations—which is the phrase that is used in the bill—
the committee cannot endorse this proposed legislation. … the bill leaves too many critical
questions unanswered … while well intended—
there's that phrase again—
the bill may have unforeseen and unfortunate consequences that need to be identified and
resolved before further consideration could be
given to proposed legislation.
I find that language and the nuances in there really interesting. The foreign affairs,
defence and trade committee majority representa
tion by the old parties did not say this was a bad idea. It said there were ambiguities
and questions. It said this was difficult but it
did not go ahead and propose any of the
answers. It did not seek to push the debate or
pursue it any further but it did not actually
write the idea off because of course you
could not, as legislators signing up to a
committee report like that, tell the parlia-
ment, and through the parliament our constituents, that we were not competent to take that responsibility. Of course the committee did not do that.

So, starting 25 years ago, right through until a Senate committee examined it last year, there were repeated comments expressing sympathy for the intent of the bill while alleging practical problems with the content. Let’s go into those details. The committee said the proposal should be examined carefully by various government departments—but, of course, the committee did not want to hold a public hearing to hear from them directly.

Since I have been a member of the Joint Standing Committee on Foreign Affairs, Defence and Trade—and I will be staying on as a full member of the committee—I have received many letters, submissions and accounts from former soldiers and current serving defence personnel that have helped me better understand what, in my first speech, I put only in terms of financial costs. There are other enormous costs. There are open wounds in the lives of many Australians who have experienced the wars in Afghanistan and Iraq. As a parliament and as a society we must get better at supporting the people who return from war damaged and we must take responsibility for the people whose lives are ruined. There are such enormous costs.

The debate on who should be empowered to send Australian men and women to war is an enduring and persistent one. While it has been underway for decades now, each decade has brought lessons and experiences to inform and deepen the debate—and the sequence of unfortunate decisions leading Australian Defence Force personnel to be engaged in an illegal war in Iraq has I think prompted a renewed sense of its relevance. What I hope senators will address during the course of the debate, before it is adjourned later this afternoon, is that this bill is not intended to take out of the hands of the ADF the power to advise the executive. I am not asking parliament to take strategic decisions about how a deployment should occur and where assets should go. These are military decisions. We in the parliament are charged with making political decisions and we will leave the military decisions to the experts.

But the decision whether or not to deploy is not a military one, in my view. The parliament does not need to be fully informed of operationally sensitive information that would disadvantage us if an invasion or some form of deployment were to take place. That is a key distinction that I hope I am able to leave with senators as this debate gets underway. We are not seeking to usurp the power of the ADF or to look over their shoulder as these decisions are undertaken. But the decision whether or not to deploy is surely not a military one. We do not live in a military dictatorship. We do not live in Burma or North Korea. These are political decisions and we have to be prepared to take the responsibility.

When the minister stands in the parliament to tell us about the latest death of a soldier in Afghanistan, we fall silent. But we very rarely hear about the deaths of those who are not Australian soldiers—the enormous number of civilians killed accidentally or, as it is called, collaterally. We do not ever pause and reflect on that because it would paralyse this parliament if that were to occur. If we paused every time an Afghan civilian was killed, there would be no time to legislate. So we do not do that.

The last thing I would like to leave with the Senate is that we are not seeking to take decisions on operational matters out of the hands of the ADF. We are not seeking to have parliament briefed on sensitive defence
issues that would give our purported enemies the upper hand. That is not what this bill seeks to do. This bill seeks to empower the parliament. If it is appropriate for this parliament to spend days and days debating all the matters we are employed to come in here and take responsibility for—such as aircraft safety regulations, livestock exports, road safety and health—why on earth are we happy to delegate away our responsibility on the most serious decision a decision maker can make: the deployment of Australians into hostile situations from which they might not return? All I am asking for is the opportunity to have that debate in here.

Finally, I think we need to change the way we make these decisions. As other democracies have evolved, subjecting the war power to a democratic process has become routine. It is even in the United States Constitution. As one of this bill's strongest and most prominent advocates recently said—I am speaking of our dear Harry Evans, the former clerk—it's chances may appear to be slim at present—(Time expired)

Senator FAULKNER (New South Wales) (16:33): I have often argued that, of all the responsibilities of a national government, nothing is more important than the defence of the nation, its people and their interests. I also made the point to the Kokoda Foundation last year—or perhaps it was in late 2009—that force of arms alone cannot discharge that responsibility. In the modern world, we must confront and confound a far more varied range of threats and balance a far more complex range of priorities than purely military ones. The security of any nation and the safety of its citizens must depend on intelligence and diplomacy, on military power and moral suasion, on international cooperation and multinational coalitions. How the parliament and elected governments discharge this heavy responsibility is something that does warrant the closest parliamentary scrutiny and consideration.

So I welcome the debate on the critically important issue of parliamentary approval for the deployment of Australian troops overseas. And I note too that the Australian Greens—and, before them, the Australian Democrats—have over a number of years attempted to introduce legislative amendments to require such an outcome. The first of many versions of this bill was introduced by former New South Wales senator Colin Mason, from the Australian Democrats, in 1985. Senator Mason introduced the Defence Amendment Bill 1985, which sought to require parliamentary approval in most circumstances before Australian troops could be deployed overseas. The bill proceeded to the second reading stage but, without government and opposition support, it did not pass. During debates over the deployment of Australian troops to Iraq in 2003, Democrat senators Andrew Bartlett and Natasha Stott-Despoja introduced a private senator's bill, the Defence Amendment (Parliamentary Approval for Australian Involvement in Overseas Conflicts) Bill 2003. That bill proposed to repeal and substitute section 50C of the Defence Act 1903, which allowed the deployment of Australian troops overseas and required both houses of parliament to approve a declaration of war and commitment of troops overseas. That bill did not pass. Senator Andrew Bartlett reintroduced a similar bill on 13 February 2008, the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008. Again, it did not pass.

Also, for the record I note that the final report of the 2020 summit from May 2008 includes on page 347 its support for 'an undertaking to allow a vote in both houses of parliament before (except in case of emergency) committing Australia to war or to a warlike situation'. The final report states
that participants voted yes on this idea. The report goes on to say:

... it seems like a good idea and there is a provision in case of an emergency. Examples from other democratic countries considered.

Senator Ludlam of the Australian Greens then introduced the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 (No. 2) to the Senate, on 17 September 2008. He said at the time:

The purpose of this bill is to ensure that, as far as is constitutionally and practically possible, Australian Defence Force personnel are not sent overseas to engage in warlike actions without the approval of both Houses of the Parliament.

On 20 August 2009 the Senate Selection of Bills Standing Committee recommended that the draft bill be referred to the Foreign Affairs Defence and Trade Legislative Committee for report by the end of 2009. The committee did then report in February 2010. It recommended that the bill not proceed. The committee said:

It is of the view that the bill leaves too many critical questions unanswered to be considered a credible piece of legislation. It believes that, while well intended, the bill may have unforeseen and unfortunate consequences that need to be identified and resolved before further consideration could be given to proposed legislation.

However, the committee did support debate in parliament on any anticipated, proposed or actual deployments to overseas warlike operations. Senator Bishop, as chair of the committee, said that the committee was mainly concerned with how the provisions of the bill would operate in practice. I think some of Senator Bishop's words are interesting. He said:

The committee has identified a number of deficiencies in the bill that need to be attended to by those who are interested in this debate if the bill is going to be brought forward this time or some time in the future for passage.

The report included a dissenting report by Senator Ludlam, who indicated that the Australian Greens were disappointed in the report's findings. But, not to be discouraged, Senator Ludlam later that year introduced the Defence Amendment (Parliamentary Approval of Overseas Service) Bill (No. 2) 2010 into the Senate. Again, the purpose of the bill is to prohibit any member of the Australian Defence Force from serving outside of Australia's territorial limits without parliamentary approval, subject to some specific exemptions.

To complete the record, most recently, on 15 November 2010, the member for Melbourne, Mr Bandt, introduced the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010. Again, the purpose of that bill was to prohibit any member of the Australian Defence Force from serving outside of Australia's territorial limits without parliamentary approval—again, subject to specific exemptions. That bill was not progressed.

So the parliament has had a number of opportunities over the past quarter of a century to debate the issue of whether its approval should be obtained before the ADF is deployed overseas for warlike operations. The existing practice in Australia is that any decision to deploy members of the ADF beyond Australia's territorial limits is at the sole prerogative of the executive of the Commonwealth. I want to say here and now that I have supported and continue to support that power remaining a prerogative of the executive.

Under Australia's constitutional arrangements the executive power of the Commonwealth is vested in the Queen and exercisable by the Governor-General, who customarily acts on the advice of the government of the day. This power includes the decision to deploy the ADF to undertake combat oper-
ations as well as a range of activities other than war fighting, such as peacekeeping operations and disaster relief. In practice, this power is exercised by the Prime Minister and other ministers. These decisions do not require an act of the parliament or a decision of the parliament. They are an exercise of executive power under section 61 of the Australian Constitution. The current government—consistent with the views of previous governments—regards this longstanding constitutional practice as appropriate and does not support any proposal to alter these arrangements.

The February 2010 report of the Foreign Affairs, Defence and Trade Committee on the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 (No. 2) found that the bill 'leaves too many critical questions unanswered' and 'may have unforeseen and unfortunate consequences'. Although I know it is often argued that parliamentary approval is required in certain other countries, it is not a logical consequence to argue that such a position should apply in the Australian context. While it is true that the forms of parliamentary approval or parliamentary consultation are required in some other systems of government, it is very important to realise that such comparisons or analogies are, if not invalidated, then certainly complicated by the major differences in the constitutional frameworks of these countries. I stress again: any decision to deploy military forces to combat is a most onerous and serious decision for a government to make. It is a very, very heavy responsibility. It is a life and death matter.

The bill that we are debating today does raise crucial issues that go to the powers of ministers, including constraints on those powers, the role of the executive and the parliament. It also raises some very critical issues about possible consequences—I would say perhaps unintended consequences.

The issue of placing constraints around a government's capacity to respond with the required urgency to an event remains a very serious concern. There has to be flexibility when time is of the essence. The risk of an operation commencing but then not receiving the approval of either house of the Commonwealth parliament—either the Senate or the House of Representatives—is a major concern to me. I never want to see Australian Defence Force personnel placed in a position of being involved in a dangerous operation and finding out subsequently that they are without legal authority or even legal protections. I am also concerned about how those defence operations that may be clandestine in nature or may be considered preparatory deployments are able to be accommodated within the provisions of this bill, particularly where the definition of 'warlike' and 'non-warlike' service can be unclear or ambiguous.

We live and operate in the real world, and any legislation in here that we enact must be able to work in real life situations and it must be able to pass the real world test. Consistently, as Senator Ludlam said in his speech, I have not supported this legislation, but I do not want my opposition to the bill to be misinterpreted. I am strongly of the view that openness and transparency in government are at the heart of the democratic contract. I believe the public record shows, or I hope it does—actions speak louder than words on this—I have been very committed the entire time I have been in this parliament to ensuring that matters, including matters concerning the involvement of the ADF in conflicts, are open to the fullest possible public scrutiny and debate. When I was Minister for Defence I produced very regular and very detailed ministerial statements to the parliament on Afghanistan, and I very much commend that approach to ministers and to the parliament.
While the government is not required to consult parliament after deploying forces overseas, inevitably we have seen some very robust parliamentary debate ensue after such deployments. I acknowledge that the parliament is in effect asked to endorse, if you like, a decision—if it is asked to endorse it at all—taken by the executive. However, there have been times when the very robust debate, including in this chamber, has led to the opposition of the day, and at least one house of the Australian parliament, opposing Australia's involvement in a conflict, or called for parliament to be better consulted on the war. The best example of this occurred in relation to Iraq in February 2003. I commend the amendment I moved to the ministerial statement of the then Leader of the Government in the Senate, Senator Hill, about Iraq. I proposed that the government of the day—that is, the Howard government—be censured:

… for forward-deploying Australian troops to a potential theatre of war with Iraq in the absence of any United Nations authorisation and without revealing to the Australian people the commitments on which that deployment was based;

… declares its opposition to a unilateral military attack on Iraq by the United States—

and went on after a number of other elements to the motion to declare—

that it has no confidence in the Prime Minister's handling of this grave matter for the nation.

And that was agreed, as Senator Ludlam said, by the Senate.

**Senator Ludlam:** But we could have stopped it.

**Senator Faulkner:** Yes, but that was the view of the Australian Senate. You have to be fair about this; it was not the view of the House of Representatives, as you know. It is possible, of course, for the House of Representatives on a matter such as this to pass a motion of want of confidence in a Prime Minister. It did not occur on that occasion, and it has not occurred in Australian history since Federation. But that is just a fact of life. What Senator Ludlam asks us to do—and I think it is a perfectly reasonable question—is to make clear that there is no misunderstanding on the issue of whether the decision to deploy is a military decision, and I see Senator Ludlam nodding. The decision to deploy is a civilian decision. It is a matter for the civilian government. It has been since Federation, it is now and I for one hope like hell it always will be. It must be. The issue here, Senator Ludlam, is which civilian authority. I respect your view that it should be both houses of the parliament, but you asked for clarity on this issue and you will get it from me. No question—it should be a civilian authority. In my mind, no question that it should be executive government. I, too, accept the principle that it should be parliaments and only on certain occasions executive governments. It is a very risky business for civilians to get into operational matters. It is a very risky business indeed, and I support that principle, too, absolutely. I support the current system, but I do so on very strong grounds. *(Time expired)*

**Senator Johnston** *(Western Australia)* *(16:54)*: I commence my response to this legislation, the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010 [No. 2], by adopting and supporting the words of Senator Faulkner, who is very knowledgeable and wise on these matters and has had the heavy burden of responsibility upon him personally. I take what he said as a very good litmus test of the way to analyse this important responsibility. This is a very serious matter. The operation and mechanics of democratic principles in the deployment of troops beyond our borders is a matter of the utmost seriousness. It is at
the very top of our responsibilities as parliamentarians. This bill is important and, to that extent and the seriousness surrounding it, I thank Senator Ludlam for bringing it before the chamber and the parliament because it is an opportunity to re-evaluate and re-examine our disposition with respect to this very important subject.

Having said that, and having adopted the disposition and sentiments of Senator Faulkner, the opposition's perspective on this matter is very clear. In reviewing what has gone before, I am taken to the Senate Foreign Affairs, Defence and Trade References Committee report back in 2005. History there has set out that in 1985 Senator Colin Mason introduced to the Senate a bill of a similar nature to the one that Senator Ludlam has put before the Senate. He explained:

The purpose of this Bill is to place the responsibility for the decision to send Australian troops overseas with both Houses of Federal Parliament subject to exceptions covering the movement of personnel in the normal course of their peacetime activities and the need to take swift action in an emergency.

The bill was adjourned or lapsed in 1986 and was not pursued. Senator Paul McLean of the Australian Democrats picked it up and introduced it again in 1988 and, indeed, it was in very similar terms to Senator Mason's bill.

On 27 March 2003, similar legislation—namely, the Defence Amendment (Parliamentary Approval for Australian Involvement in Overseas Conflicts) Bill 2003—was introduced by Senator Andrew Bartlett and Senator Natasha Stott Despoja of the Australian Democrats. It was restored to the Notice Paper on 17 November 2004 and debated in the Senate on 10 February 2005. The arguments in favour of and in opposition to the legislation built on those of 1986.

A number of senators participated in the debate, which was then adjourned.

Finally, we come to the bill which was introduced by Senator Ludlam on 17 September 2008. I reiterate that it is a very healthy and useful process for us all to re-examine this very important piece of democratic practicality and principle in the way we deal with the deployment of Australian troops beyond our borders—overseas. Yes, there are a number of countries that do have strict parliamentary approval requirements. In the debates that have gone before, I note that Senator Hogg and Senator Marise Payne listed countries in 2005 where such approval was not necessary. They included Canada, Belgium, France, Poland, Portugal and the United Kingdom. The significance of mentioning those countries, particularly Canada and the United Kingdom, is that they have a particular relevance and I think we have a reasonable understanding of the synergies that exist between this parliament and their parliaments. In this regard, Senator Payne noted that different parliamentary systems, different parliamentary chambers, make different parliamentary arrangements. That is a very important point.

The Senate report goes on to say of the committee:

For example, it noted that in some cases parliamentary approval may be needed to declare war but not to deploy troops and certain military service may not require approval.

So there is a huge definitional and threshold-defining requirement for us to tie down how the parliament will, in the first instance, deal with the proposition that Australian troops be deployed overseas to apply lethal force. The UK government has debated this matter on a number of occasions. As the report says:

… the UK Government recognised that the main challenge was to formulate a process that would be 'sufficiently adaptable to be able to respond
quickly and flexibly to the variety of situations that could arise'.

I reiterate those words, 'to respond quickly and flexibly to the variety of situations that could arise'—situations which may not be within our understanding or contemplation, given past history. The report continued:

It pointed to difficult issues that needed to be resolved such as allowing for exceptional circumstances, the need for urgent deployment, potential dangers of a retrospective approval process, security implications from the release of information, the timing of the vote and definitional issues—as I have mentioned—such as 'armed conflict'.

These concepts are all very fluid and can be, and very much will be, the subject of lengthy discussions.

The main question which was before the Senate committee, however, was not about the principle of parliamentary debate or approval but about whether the bill provided 'an effective or credible alternative to the current practice', and I think that is also a really important consideration for the Senate. Will the bill work in a way that imparts confidence and effectiveness in dealing with circumstances that require immediate attention? The committee was concerned, as I am, that this process will not fulfil those obligations or requirements.

There are also concerns about the level of information that the chamber may have. As Senator Faulkner quite rightly emphasised, this is the real world: our strategic position cannot be disclosed to the public; our surveillance and reconnaissance information, its sources and its veracity cannot be disclosed or debated. So, almost of necessity, the debate will have to be held with all of us with one or both of our hands tied behind our backs with regard to classified material. Hence the parliament will be in a worse position, a much worse position, than the executive in terms of knowledge and understanding of the circumstances surrounding a proposed deployment. Indeed, former senator Gareth Evans sympathised with the philosophy underlying parliamentary approval of such deployments, but he also said in 1986, when dealing with the original legislation:

… situations may develop where there is a need to determine measures to be taken without the publicity associated with debate in the Parliament; situations where public knowledge could limit our strategic options and indeed put our forces at risk.

They are very serious words. I think they very much determine where the government and the opposition sit on this particular question. Back in the debates of the 1980s, a very learned and talented former senator, Senator David MacGibbon, also identified a problem with the use of classified material. As the committee report states:

He argued that a decision to commit troops could be made 'only in the full knowledge of all the circumstances—as I have indicated—knowing the diplomatic circumstances that are involved, the strategic involvement and all the military and economic factors'. In his view, these must, 'be weighed up in the light of a careful assessment of all the options that are open to the government of the day. That simply cannot be done in open debate in any chamber of this parliament'.

Again, I think this is where this principle can lie with respect to the realities of and the necessity for information. Two decades later, senators opposing the 2003 version of the bill raised similar concerns—I also raised those concerns. As the committee report says:

Representing both major parties, they argued that the executive is the only body that has 'full and proper knowledge of military and strategic
decisions and the one-on-one contact with Australian allies’ to be able to make a considered and well informed decision. In their view, Parliament does not have access to all available intelligence and the complete range of advice from the Public Service.

Of necessity, a debate regarding the approval or otherwise of the deployment of Australian troops beyond our shores can never be a fully informed debate. Accordingly, the underlying problems with the mechanics of this legislation clearly mean that we cannot support it.

The senators of the day in 2003 and 2005 similarly rejected the alternative of providing parliament with all available intelligence to enable a fully informed debate. In their assessment, such an arrangement would be both impractical and detrimental to security. In particular, they were concerned that the disclosure of classified material, such as specific details on a deployment or intelligence advice given to governments on a confidential basis, would compromise the safety and security of such an operation. I would like to quote former senator Linda Kirk, who made quite a contribution in her short time as a senator here. During the debate on this topic in 2005, she said:

There will often be cases where information simply cannot be made public. If it were to be made public it could very much undermine our strategic position when we are about to embark on a war. This could not even be overcome by holding a secret session of parliament, or something of the like, because that is contrary to our system of government and it would not be the proper manner in which to do this.

As the committee report states:

For the major parties, the problems were serious—the inability of Parliament to have access to all the information needed to make critical decisions—

and to hold an informed debate—

concerning the deployment of Australian ADF members or disclosing information that could jeopardise the safety and success of a military operation.

That is a fundamental principle that we need to adhere to in the context of a realistic approach to the circumstances of the day.

The committee identified a number of deficiencies in the legislation it was considering, which, as I said, was virtually identical to the bill before us today. As the committee’s report said:

These deficiencies relate to the uncertainty and confusion about the use and application of terms such as war and non-warlike service and assumptions made about their application. The committee is also concerned about the nature of the resolution to be agreed to by both Houses of Parliament and about the extent to which it could impose conditions on deployment.

The debate on the matters in this bill has over the years been very thorough; these are important matters. That being the case, it is absolutely vital that, given our involvement in Iraq and Afghanistan, we revisit these matters on a regular basis. I think this debate has been a very healthy one, and I think that the issues have remained the same. In my submission, the detriment in this bill clearly outweighs the principle. No matter how positive are the underlying principles of this bill—and the bill is laudable—the impracticality of full disclosure to the parliament in a strategic sense and where intelligence, diplomacy and classified documents are concerned means that we must continue with the system as it now stands. After all, it has served us well.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:09): I am pleased to have this opportunity to speak on the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010 [No. 2], the initial version of which the Greens introduced in 2008. This
bill was the subject of an inquiry by the Senate Foreign Affairs, Defence and Trade Legislation Committee, which was chaired by my colleague Senator Bishop and reported in February last year. As the Senate knows, the committee's majority report recommended against proceeding with this bill, so it will come as no surprise when I say that the government will not be supporting it. Given that the opposition parties have today indicated that they too will also be opposing this bill, it is clear that we are now embarked upon nothing more than a ritualistic exercise. This bill will not pass the Senate, and the Greens know why it will not. The Senate knows all the arguments for and against this bill, because this bill is the latest in a succession of similar bills stretching back to 1986 which were moved by the Greens and before them by the Australian Democrats. On each occasion that these bills have been brought before the Senate, the same arguments have been trotted out by its movers on the crossbenches and the same counterarguments have been trotted out by the government and by the opposition of the day. Senator Ludlam, in the second reading speech he incorporated into the Hansard in September last year, has done no more than repeat the arguments that were made by former Senators Stott Despoja, Bartlett, McLean and Mason in debates on earlier manifestations of this bill. So it is no surprise that the arguments I am going to put forward in opposition to this bill are essentially the same arguments that have been put by Labor and the coalition parties in earlier debates; nor is it a surprise they are the same arguments that were made in the majority report of the Senate Foreign Affairs, Defence and Trade Legislation Committee.

The gist of the bill and of Senator Ludlam's second reading speech is that the executive of government should not have the power to commit Australia's defence forces outside Australia without the approval of both houses of parliament. The bill does provide an exemption from this requirement in an emergency situation, when forces could be deployed via proclamation by the Governor-General, but such a proclamation would have to be retrospectively approved by both houses of parliament. The justification that its advocates have put forward for this proposal is that a decision to commit Australian forces outside Australia is too important to be left to the executive government. On the face of it, this is an attractive proposition—there are few more important decisions a nation can take than to send its armed forces into harm's way. The decision to put the lives our service men and women at risk is indeed a grave responsibility that no democratic government takes lightly. I note that previous speakers have spoken very eloquently on that point and on the responsibilities that flow from the deployment of our armed forces.

There are, however, weighty arguments to be put against this superficially attractive proposition. The most important of these are as follows. Firstly, there is the incompatibility of this proposal with the Westminster system of government, most particularly in a bicameral parliament. Secondly, there is the difficulty of expecting a legislature to make such a decision when it does not and cannot have the full range of information it would need to make such a decision. Thirdly, there is the fact that our defence forces need clear and unambiguous terms of deployment and the flexibility to respond to situations in which they find themselves.

I now address each of these points in turn. It has always been a principle of the Westminster system that the parliament legislates, but the executive governs. The executive was once the Crown; today it is the cabinet acting in the name of the Crown. The parliament decides what the law should be,
but it is the executive which then puts those laws into effect. When there is a dispute about the meaning of the law, it is resolved by an independent judiciary. This is the separation of powers, and it is, of course, one of the foundations of our highly successful system of government. The Constitution gives this parliament the power to legislate in the area of defence, and the parliament has done so by creating the Australian Defence Force and the defence department to administer it. The Minister for Defence is the executive head of that department, and he recommends to cabinet how, when and where the ADF should be deployed. That is an executive decision, not a legislative one. The role of the legislature is to legislate, not to manage the implementation of the laws that it passes. Thus, the parliament creates immigration law but it does not decide which individuals will get visas. The parliament creates social security laws but it does not determine individual pension cases. The same principle should apply in the field of defence. It is open to this parliament to pass laws which regulate the manner in which the ADF should be deployed. It is not the proper function of parliament to make executive decisions about such deployments.

This does not, of course, mean that the parliament is powerless in these important matters. Under the Westminster system, the government holds office only so long as it has the confidence of the lower house of the parliament. If the parliament wishes to overturn an executive decision, whether in defence or, indeed, anywhere else, it can do so by censuring the minister or perhaps by passing a vote of no confidence in the government.

The violation of Westminster principles that this bill represents is made worse by the fact that it stipulates that the deployment of forces outside Australia will require the support of both houses. I am sorry as a senator to have to say this, but it is a cardinal Westminster principle that the government relies on the support of the lower house of parliament. The government does not need the confidence of the Senate—although, let me say, we prefer to have it. We have a bicameral legislature in which the two chambers are frequently controlled by different parties. There have only been nine years since the 1950s in which a government has had the majority in the Senate. This bill, if passed, would make the ability of a government to make executive decisions in the field of defence dependent on the support of a house which is deliberately designed by the system of proportional representation not to have a government majority. This is unsound in constitutional theory and would be completely unworkable in practice.

I turn now to the issue of the ability of the parliament to exercise the kind of quasi-executive role which this bill would create for it. One of the advantages of a system of executive government is that it enables decisions to be made by people who are in full possession of the information which is necessary for those decisions to be made properly and which cannot, by its nature, be public. This principle operates in all fields of government, whether it is taxation, immigration or pensions. This parliament passes taxation legislation, but parliament does not, and should not, have before it the details of every individual taxpayer so that it can decide how much tax they should pay. That matter is decided by officials who have a professional obligation to preserve the confidentiality of the information they have access to. If that is true of taxation, then it is immeasurably true of defence.

This bill would create a situation in which one of two highly undesirable things would have to happen: either the parliament would have to make a decision about approving or not approving deployment outside Australia,
without possessing the intelligence information upon which such a decision should be based; or, alternatively, the parliament would have to require that all such intelligence information be provided to it so it could then make an informed decision. That would, of course, run the grave risk of exposing our defence personnel in fact to increased danger, and it would also immediately end all forms of intelligence cooperation between Australia and its allies. As anybody who has worked in the defence space comprehends, that would of itself be a grave blow to Australia's security.

It has been suggested that parliament could hold sessions in camera in which confidential information could be given, as was done by the Churchill government in the United Kingdom during World War II. In fact, the purpose of those meetings was to share confidential political information, not details of operational matters. Mighty parliamentarian though he was, Winston Churchill would never have dreamed of allowing the House of Commons—let alone, I might say, the House of Lords—to usurp the role of the executive government to make operational decisions about where, when and why British forces should be deployed. I do not think there can be any doubt that any confidential information given to a closed session of the parliament might soon be leaked, negating the entire purpose of the exercise.

Let me now address the most serious problem that this bill would create. The bill says:

… members of the Defence Force may not serve beyond the territorial limits of Australia except in accordance with a resolution, which is in effect and agreed to by each House of the Parliament, authorising the service.

This bill does create various exemptions from this proscription, such as for peacekeeping and humanitarian purposes, but these do not substantially detract from the basic purpose of the bill, which is to prohibit the deployment of the ADF outside Australia for operational purposes without the authorisation of both houses of parliament. The Senate may note that the bill does not specify that parliamentary approval is needed only when the purpose of deploying forces outside Australia is to take part in a war. It applies to all deployments of the ADF, unless they meet one of the exempt categories specified in the bill.

It is regrettable, to put it mildly, that, after more than 15 years of intermittent debate of this issue in the House and in the Senate, the proponents of this bill still have not addressed the basic problem that it creates—that is, it would make the effective and flexible operation of our defence forces impossible. The bill would require specific parliamentary approval every time the Navy proposed sending a ship or a submarine outside Australia's territorial waters. It would require parliamentary approval every time the Royal Australian Air Force proposed to fly an aircraft to New Zealand, Papua New Guinea, East Timor or the Solomon Islands, or to fly a patrol over the Southern Ocean or the Tasman Sea. It would require the disclosure of each and every operational activity of the ADF outside our own territory.

The proponents of the bill will no doubt argue that these missions will usually come within one or another of the exemptions provided for in the bill. But this ignores the fact that the exact purpose of many ADF operations cannot and should not be disclosed, so it would not be possible to tell the parliament whether any given deployment would or would not come within those exemptions. The ADF should not be required to disclose this information. This bill would put the ADF in a position of having to choose between disclosing operational secrets and misleading the parliament. Of
course the ADF would remain true to its duty and its situation would become impossible.

The bill provides an exemption for deployments conducted for non-warlike purposes, but this fails to address one of the basic facts of military life: it is not possible to know in advance what our forces may encounter when they are conducting operations. A mission to Somalia, for example, may be exempted from the provisions of this bill because its intention is humanitarian assistance, but what happens if such a mission were to come under attack, which is not only perfectly possible but has been witnessed in countries with no effective government? Will the ADF be required to seek resolutions of both of houses of parliament before its members can defend themselves?

This bill would be not only very harmful to the operations of our defence forces but also quite unnecessary. The fact is that Australian forces are never operationally deployed to wars or warlike situations without vigorous parliamentary debate. That was true of both world wars, of Korea, Malaya, Vietnam, the Gulf War, East Timor, the Iraq war and, of course, Afghanistan. Every one of these deployments has been debated, sometimes at great length and with great passion and even with great bitterness, in our democratic parliament, and that is exactly as it should be. The government of the day has had to justify its course of action before the parliament, and every three years it has to justify its actions before the people. Governments are also subject to relentless scrutiny in the media, and that again is as it should be.

Let me also take this moment to reflect on the fact that the Department of Defence and the ADF are organisations which are solidly committed to the principle of transparency in government. We of course have a budget process, where the structures of the various components and force elements inside the ADF are matters of public knowledge—they are not secret. We have an estimates process in which Defence can be thoroughly scrutinised by this parliament—and, of course, it is. In a whole range of ways information about Australian defence forces is publicly available.

The government and previous governments have long asserted the virtue of the fact that, through that transparency and that clarity, we provide ourselves and our neighbours with a clear sense of what the tasks of the Australian defence forces are. The white paper clearly sets out the strategic context in which this government and this country are building its ADF capabilities. This, unfortunately, does stand in contrast to other nations which continue to shroud their militaries and their strategic thinking behind veils of secrecy. But that is not something that has been a tradition in Australia. This transparency is a virtue of this government, previous governments, the ADF and the Department of Defence—and it will long continue to be so.

For all these reasons, the government remains resolutely opposed to this bill, as all governments have been since this proposal was first raised in 1985. I commend the government's position to this Senate and I trust that the Senate will once more reject this bill.

Senator MARK BISHOP (Western Australia) (17:25): In my contribution to this debate on the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010 I want to some extent to go over ground already covered but address a range of issues that are relevant to the discussion. I want to discuss the submissions, the history of the debate, the history of the bill, what I believe to be the real purpose
behind the bill—as opposed to its ostensible purpose—leading to a discussion on the role of the executive and why I believe that the current practice of the executive making decisions as to the deployment of Australian forces should be retained and then perhaps conclude, if time permits, by making some comments about the role of information and its disclosure and what I believe to be common ground; that is, the necessity for extensive public debate on these matters where we deploy troops or service people overseas into war zones, conflicts, wars or however the area is properly described.

At the outset, let me express some comments that I have not to date put on the public record. When the committee's report was delivered to the Senate, for reasons that I do not recall, the three principal speakers were each limited to four or five minutes in the comments they could make. There may have been some time restrictions, for whatever reason. I had intended to make some comments about the decision of the government or the Department of Defence not to make a submission to the inquiry and, for whatever reason, I failed to do so. I do think it has been a glaring omission in this particular bill inquiry that our government or the Department of Defence—and, arguably, the Attorney-General's Department—deliberately chose not to make a submission to the inquiry. I have a memory of approaching both Dr Watt and then Minister Faulkner and requesting them to authorise the department to make a decision. I was assured that a submission would be received but none was forthcoming.

Why is that important? It is important because this has clearly been an issue in this parliament since at least 1985. There have been successive attempts by minority parties to change the current practice of executive decision making and shift it to one or both houses of parliament as to the deployment of troops overseas—if I can characterise it in that way—and a range of present and past senators have put their thoughts on the record. Indeed, I much appreciate the contribution just put by Senator Feeney, the Parliamentary Secretary for Defence, because his contribution, to a significant extent, did address some of the core issues as to why my party and the opposition party—although I cannot speak for them—are resolute in our opposition to changing the practice of the executive making decisions. He outlined those details, the reasoning, the history and the thought processes involved more than adequately.

It would have been most useful if the department or the government had chosen to put that material on the public record in the bill inquiry organised by Senator Ludlum, because they are important reasons, they are germane to discussion and they heavily influence the deliberations of a whole range of people in this parliament and outside the debate. There is no reason ever for governments or departments not to put their reasoning in an informed way on the public record as to how decisions are being made—and it is regrettable that that did not occur.

I must also, I suppose, be somewhat critical because, if this issue is as important or as critical as Senator Ludlum, on behalf of the Greens, suggests that it is, I would have anticipated that there would have been a groundswell of community interest, support or agitation around the issue apart from that expressed by political representatives of the Greens in debates in this place. In fact, it is my observation that there has been minimal interest and minimal commentary, apart from the aficionados who pay attention to this debate, for many years. I draw the conclusion that that is because, in the wider Australian community, there is, by and large, satisfaction with the processes that successive governments have adopted for the
commitment and deployment of armed personnel into war zones and to participate in warlike activity in war zones.

Indeed, because the government chose to not make a submission to the inquiry when we were going through that process, I paid more than ordinary attention to the 30-odd submissions that had been put in by interested groups and individuals. Normally I glance at them, make myself familiar with the main arguments and put them away for use in public inquiries. This time I paid a lot of attention. I was surprised, because of the 31 submissions only 12 or 13 supported the notion of prior parliamentary approval, but those 12 or 13 submissions were one-page form letters and merely asserted the need to have parliamentary approval as opposed to executive determination.

Assertions are fine and they reflect the belief of a group or an individual, but you need more than mere assertion on a point to carry the point. One would have thought that, after four or five lengthy debates in this place and a huge amount of material on the public record, the groups and individuals who assert the need to change a system that has been around for hundreds and hundreds of years would have more than mere assertion as the justification for change. Unfortunately, that was not the case. Indeed, six of the 31 submissions supported the bill by reference only to its content, eight proposed alternative forms or amendments of substance, and four or five opposed the bill. Having made those comments, only some six, eight or 10 submissions of the 30-odd addressed the content of the bill and the technical deficiencies, shortcomings or amendments thereto.

If one tracks back on the debate that occurred today and previous debates—at least four or five, going back to 1985, and I think the first was by an Australian Democrat senator—governments and oppositions constantly identified technical deficiencies in the bill. That was put in written reports and it was requested that the submitters attend to those deficiencies. What that indicates is that the government of the day or the opposition of the day show a mature approach to the argument, give it consideration, say that there are a heap of issues and problems, and ask: what is the solution to them? And we get no response. That led me again to the conclusion that those who position themselves for change in this debate are perhaps not as serious as they might think they are, because they choose to not do the hard work of addressing either technical deficiencies in drafting or strategic and technical considerations that are necessary considerations as part of the process of deploying troops overseas.

As has been identified by other speakers in this debate today, and it is certainly attested to in discussion in the committee report, there have been many years of consideration of this matter. A host of passing senators in the Australian Democrats—Senators Mason, McLean, Chipp and Bartlett—used, in substance, the same bill every time they reintroduced the bill. Indeed, the bill being put forward by Senator Ludlam today is in substance—at its heart, at its core—identical, or that close to identical that it does not matter, to previous bills advanced by parties that have been subsumed by the Australian Greens.

Let us now turn to what I surmise to be the core purpose of those advancing this bill—today by Senator Ludlam and the Greens, and in past debates, by and large, by various representatives of the Australian Democrats. It is always paraded as being about issues of participation and democracy—that the parliament is the supreme decision-making body in this country and it should participate and decide if we are going
to send troops to war. As Senator Feeney said, it is a somewhat attractive proposition. But I think the real purpose behind this bill, and the real purpose behind its incarnation in previous forms, is to simply prevent the Australian government from having the ability to send armed services overseas under any circumstance. I say that upon consideration and reflection. I come to that conclusion simply because those who put forward the issue for change never, ever move beyond the point of assertion in their debate.

What is the current position? It is as Senator Feeney outlined. If we are going to send people overseas, it is a decision of the executive, the Prime Minister and cabinet, and that is an inherited position from the Crown. If the government of the day gets it wrong, or gets it bad, or messes up, or is incorrect in its reasoning, it can pay a terrible price. Every three years or every six years, if our commitment to troops overseas is proving to be fallible, or unwarranted, or unnecessary, or too costly, or not satisfying original purpose, we, particularly in the major parties, face the ultimate test. If it is a matter of such consideration, the people will just say: 'You're wrong. You're no longer justified being in government. We will give the other mob a go.' That is the first point.

The second point I want to address in more detail goes to the heart of the debate. It goes to the issue of security, confidentiality and military matters. It goes to issues of deployment, issues of numbers, issues of capability, issues of disposition and issues of purpose. They are all considered in the context of a strategic and military decision making. Why, in the final analysis, do a lot of members of the government and a lot of members of the opposition say, 'The proposition of the Australian Greens is simply a bridge too far'? Why do we say that this decision making should be retained to the executive and not transferred to 220-odd elected members in both houses of parliament? We say it for this reason: consideration by the executive is necessarily secret and confidential. It goes to the deployment of assets of a capital nature and personnel. It involves them going into war zones where they are likely to be injured or killed. We say that that process of decision making is properly kept secret and properly retained only in the hands of the executive and properly only known to those who need to know it.

Whilst we as members of parliament might think that we are so important that we should be consulted or that we should know what is going on in Afghanistan or Iraq in terms of operations, that is a sop to our vanity—that is all. Because if we do wish to know what is going on—and as Senator Ludlam well knows, because he is a member of the Senate foreign affairs committee, and I know because I have been on that committee for many years—regularly, we and the joint committee receive private briefings from senior officers on a whole range of operational matters, on capital acquisition matters that go to commercial-in-confidence, on security matters and on a whole range of other things. Indeed, regularly—three times a year in estimates—senators will ask questions of CDF, Chief of Navy, Chief of Army, whoever is there, and occasionally we are told: 'Listen, Senator, that goes to matters that are not properly in the public domain. If you want to know, we are more than happy to provide a private briefing and take you through what you want to find out.' And our committee and other committees of this parliament from time to time take up the offer and we are informed on a range of matters occurring in the military or the security field that are not appropriate to be on the public record.
So it is not a matter of this body in the executive having only and sole knowledge. Representatives of the broader population can avail themselves of that knowledge, but it is done in a different way, in a private way, because those whom we seek to inflict harm upon or who seek to inflict harm upon us do not need to know how we are going to do it or when we are going to do it or why we are going to do it.

In that context, I must say that there is precious little in the Australian defence forces that is not publicly known and not on the public record. Indeed, in more latter years, I have come to the view that perhaps there is too exhaustive inquiry into a lot of matters that are going on in Defence—too many committees covering the same game. We regularly in this place have ministers of the Crown making public statements on deployments in Iraq or Afghanistan or East Timor or the Solomons. We go through the estimates process three times a year, particularly the May budget. It is no mean feat to sit there for two days, 12 hours each day, on defence and have officers on the other side of the table literally facing hundreds or thousands of questions as to all aspects of their work. There are a large number of committees that regularly inquire into a whole range of aspects that go to capability, capability acquisition, disposition of forces and procurement matters. There are particular intelligence and security committees that in this parliament are charged with the oversight of agencies that engage in that sort of activity.

Members of parliament, particularly in the last five, six or seven years, have been more than diligent in examining and questioning the senior officers of the Australian military forces in the most public of forums, where every word is written down and is often examined by 10 or 12 senators or members of parliament at once. That is a very effective regime—a very, very effective routine—of obtaining information.

The conclusion, again, that I draw is that a lot of information that perhaps in past decades may not have been readily available or had been covered up or not disclosed for a range of reasons is now regularly put out in the public domain. Indeed, I regularly read the opinion polls and, not surprisingly, I think a majority of people in this country are opposed to our involvement in Afghanistan. I do not really quarrel with that conclusion. I think probably a majority of the population does not favour the government's decision to put troops there, keep troops there and keep them there for a number of years into the future. But because this government and previous governments—ministers of the Crown, regularly—and those who are engaged in this national security debate regularly make speeches on these sorts of topics, a lot of information is out there, and the wider community is not concerned that it is being misled, being misinformed, being underinformed or does not know what is going on. They know why we are in Afghanistan. They know why we are fighting there. They know the cost. They know the number of deaths. They know the justification. There is considerable public information. So the process of parliamentary review, parliamentary oversight, parliamentary knowledge is absolutely essential; Senator Ludlam is correct on that point, but—(Time expired)

**Senator STEPHENS** (New South Wales) (17:45): I rise to follow Senator Bishop's contribution to this debate on the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010 [No 2]. I was certainly very interested to hear Senator Bishop's contribution because, as a very longstanding member of the Senate and the Joint Standing Committee on Foreign Affairs, Defence and Trade, he is probably

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**CHAMBER**

**SENATE**

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one of the most knowledgeable people in this parliament now that we have lost some of our long-serving senators from that committee, and he does understand exactly how often and how scrupulously this issue has been investigated and debated over the years.

The fundamental issue we all have to understand here is that since 1901 neither the Australian Constitution nor defence legislation has required governments to actually gain parliamentary approval for the decision to deploy forces overseas or, in the rare cases that it has occurred, as Senator Feeney and Senator Bishop both explained, to actually declare war. There have been attempts—as Senator Bishop, who remembers the time in 1985, said—by the Australian Democrats and, more recently, by the Australian Greens to remove that exclusive power of government to commit Australia to war. What a serious issue this is for all of us to consider today.

When, in February last year, the Senate Foreign Affairs, Defence and Trade Legislation Committee reported on the then Australian Greens bill, the committee concluded that the bill could not be considered to be a credible piece of legislation and recommended that the bill not proceed. The committee also stated:

The committee is not in any way against the involvement of both Houses of Parliament in open and public debates about the deployment of Australian service personnel to warlike operations or potential hostilities. It agrees with the views of most submitters that the Australian people, through their elected representatives, have a right to be informed and heard on these important matters.

Senator Bishop took the time and the trouble to go through the 31 submissions to the inquiry and reflected on how many of those supporting the legislation were actually a form letter going to certain parts of the bill—most were not. This goes to the very point that the Australian people expect the government of the day to be competent and confident in having to make a call to deploy our forces overseas. They expect that of us; that is what we as a government have a responsibility to do. That decision is an extraordinary decision to be made and it is one that is the prerogative and the responsibility of the executive government.

The purpose of the bill that we are debating is to ensure that, as far as is constitutionally and practically possible, Australian Defence Force personnel are not sent overseas to engage in warlike actions without the approval of both houses of parliament. Mr Bandt, who introduced this bill in the House of Representatives, actually acknowledges that the bill is a revised version of the bill first introduced into the Senate in 1985, so we are revisiting this as if it is Groundhog Day. I do not think it does this place much service that we continue to go over old ground. As Senator Bishop said, the inquiries have demonstrated where the shortcomings in the legislation are, yet the proponents who keep putting it up have not actually addressed the deficiencies of those bills.

The challenge for us is really to understand what the purpose of the bill is. As Senator Bishop said, what is the real intent, what are the principles that are really under debate here, what is this bill all about and what might its real impacts be, and what are the consequences of actually enacting this kind of legislation? Let us start to think about those issues. First of all, I do not think it would be unfair to say that the bill has been drafted from the view of people who have never actually been involved in executive government and, quite frankly, are not ever likely to be. Understanding the issues, the way in which the cabinet processes work and the way in which the
executive government works would really reflect how important it is that this power resides within.

As Senator Bishop said, and as people have said over and over in the debate, the real test of the decisions of the executive government is the election every three years. If the Australian people are not happy with the way the government of the day deals with supports and makes decisions around the deployment and resourcing of our defence forces—the most critical function of the defence forces of our nation—then they can take their voice to the ballot box and make their concerns known.

We have seen, from my memory, that this has not been an issue. Perhaps the first Iraq war was an issue that was very much in the public debate around an election campaign, but since that time there has been bipartisan support for the decisions we have made about protecting our sovereignty and ourselves and also about being the international citizens that we profess to be and taking our share of the load as members of a global peacekeeping force and global military action. We do not commit our troops, our defence personnel, lightly, and we certainly understand the seriousness of actually engaging in warlike activities. The importance of all of that comes to the second point that Senator Bishop just made, which I thought was very important and goes to the fact that the executive makes a decision based on very important confidential and national security issues—briefings and information that should not be in the public domain. There is sometimes a case where we think that, just because we want to know, we should know. We sometimes confuse the issue of the right to know and the need to know, and I think the responsibility that lies heavily and very responsibly with the executive government is the fact that there is intelligence advice given to governments on a confidential basis that can only be told to the government of the day for very important reasons. This is a principle that we have upheld since 1901, and I do not see that there is any reason why we would need to change this now. Certainly the proponents of this legislation have not made the case to do so.

While I have some time I would like to go to some of the changes in the impacts. This comes from the explanatory memorandum of this bill. I will go through some of the amendments here. The first ones that I really want to focus on are subsections (7), (8) and (9), providing for situations in which the parliament is not meeting when a so-called proclamation by the Governor-General is made. The bill wants the Governor-General to make a proclamation and the advice is provided by the Prime Minister stating the reasons for a deployment, its legal authority, its geographical extent, its expected duration and the number and members of the forces to be involved. That information is requested in this legislation to be put into the public domain.

Let us think about what the implications of all of that are, for starters. That kind of information is not necessarily available to the public now—and for very sensible reasons. For the security of our defence forces themselves, some of that information certainly should not be in the public domain. So let us think. First of all we have the parliament being consulted at the earliest possible time about the emergency and the deployment of forces overseas. We also have the proposal that, if the parliament is not in session—that is, it has been adjourned indefinitely or for more than two days—the Presiding Officer of the House is to summon the House to meet within two days after the proclamation is made.

We finish today for five weeks. In those five weeks I know every member of this
parliament has a program of work around our committee responsibilities, overseas travel et cetera. There are amazing commitments that people try to lock into these periods when we are away from the parliament. This is proposing that at short notice—within two days—the Presiding Officer would reconvene the parliament. Besides the expense and inconvenience, it is a nonsense that that should be the case.

If the parliament is prorogued—subsection (8) of this bill:
In that circumstance, a proclamation is to cease to have effect seven days after it is made.
What this does is provide for situations of a parliament having been prorogued before a proclamation has been made or having been prorogued within seven days of a proclamation being made. In both cases the proclamation ceases after seven days and no similar proclamation can be made until the parliament meets again. Think about the outcome of the last federal election, when in fact the final results were not known for several weeks after the election date. It is an unworkable piece of legislation that we have before us. It really makes no sense at all. The effect of subsection (8) is that, if the government deploys forces overseas in an emergency while the parliament is prorogued and the government intends that the deployment continue beyond seven days, the government will be compelled to advise the Governor-General to summon the parliament to meet within that period to seek parliamentary approval for the deployment. So you can see that this is quite an illogical approach to the very serious issue of deploying our troops.

We cannot be seen to be at the will of the parliament to call people into account for serious warlike activities. Perhaps we should take the example of RAMSI and the deployment of our defence personnel to the RAMSI forces and the incidents that have happened in the Pacific. You think, 'How does that fit practically into what is being suggested in this legislation?' Senator Feeney talked about deployment of defence personnel to emergency situations. We have had amazing accolades for the work that our fantastic personnel have done in Japan after the recent earthquake and tsunami—how they mobilised from New Zealand and were instantly able to respond and provide expertise in those circumstances.

I read another part of this, which is about creating hostilities. How do we understand the circumstances in a very volatile situation where something escalates because of the breakdown of civil society? In those circumstances, something that is seen to be peacekeeping can suddenly escalate into something far worse. We saw some of that in East Timor, where our troops had made an amazing impact in peacekeeping and reducing hostilities. Looking at how we have deployed our defence personnel across the Pacific, I think that we really see where the potential is for that blurring of the lines to come into play. So the committee was right in recommending that this was not a workable piece of legislation. It is not a workable piece of legislation now. It actually creates extraordinary pressures on our defence forces and it creates extraordinary pressures on our individual members. But, of course, what it does is deny the executive government of the day their responsibility and their need to be the ones that take responsibility for deploying our defence personnel. This legislation places significant limits on the government that are a nonsense.

Debate interrupted.

DOCUMENTS
Consideration
The following orders of the day relating to government documents were considered:
Department of Broadband, Communications and the Digital Economy—Report for 2009-10. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2009-10, including report of the Science and Industry Endowment Fund. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.


Australian Postal Corporation (Australia Post)—Report for 2009-10. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Classification Board and Classification Review Board—Reports for 2009-10. Motion of Senator Back to take note of document agreed to.

Attorney-General's Department—Report for 2009-10. Motion of Senator Macdonald to take note of document agreed to.

Military Superannuation and Benefits Board of Trustees—Report for 2009-10, including financial statements for the Military Superannuation and Benefits Fund. Motion of Senator Ronaldson to take note of document agreed to.

Defence Force Retirement and Death Benefits Authority (DFRDB)—Report for 2009-10. Motion of Senator Ronaldson to take note of document agreed to.

Office of the Renewable Energy Regulator—Financial report for 2009-10. Motion of Senator Barnett to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Australian War Memorial—Report for 2009-10. Motion of Senator Ronaldson to take note of document agreed to.

Australian Commission for Law Enforcement Integrity—Report of the Integrity Commissioner for 2009-10. Motion of Senator Williams to take note of document agreed to.

Wet Tropics Management Authority—Report for 2009-10, including State of the Wet Tropics report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Australian Sports Commission—Report for 2009-10, including financial statements for Australian Sports Foundation Limited. Motion of Senator Williams to take note of document agreed to.

NBN Co Limited—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Cancer Australia—Report for 2009-10. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Airservices Australia—Equity and diversity program 2007-10—Progress report for 2009-10. Motion of Senator Macdonald to take note of document agreed to.

ASC Pty Ltd—Statement of corporate intent 2010 to 2013. Motion of Senator Macdonald to take note of document agreed to.

ASC Pty Ltd—Report for 2009-10. Motion of Senator Macdonald to take note of document agreed to.

Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans' Affairs—Report for 2009-10, including financial statements of the Defence Service Homes Insurance Scheme—Reprint. Motion of Senator Macdonald to take note of document agreed to.

Private Health Insurance Administration Council—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Australian Rail Track Corporation Ltd (ARTC)—Statement of corporate intent 2010-11. Motion of Senator Williams to take note of document agreed to.
Social Security Appeals Tribunal—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Members of Parliament (Staff) Act 1984—Report for 2009-10. Motion of Senator Williams to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Defence Housing Australia—Statement of corporate intent 2010-11. Motion of Senator Williams to take note of document agreed to.

Defence Force Retirement and Death Benefits Authority (DFRDB)—Report for 2009-10 Corrigendum. Motion of Senator Williams to take note of document agreed to.

Dairy Australia Limited—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Department of Defence—Reports for 2009-10—


—Motion of Senator Williams to take note of document agreed to.

Tiwi Land Council—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2010. Motion of Senator Williams to take note of document agreed to.

Cotton Research and Development Corporation—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Safe Work Australia—Report for the period 1 November 2009 to 30 June 2010. Motion of Senator Williams to take note of document agreed to.

Australian Crime Commission (ACC)—Report for 2009-10. Motion of Senator Williams to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Anglo-Australian Telescope Board—Anglo-Australian Observatory (AAO)—Report for 2009-10 [Final report]. Motion of Senator Williams to take note of document agreed to.

Australian Sports Anti-Doping Authority (ASADA)—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Aged Care Act 1997—Report for 2009-10 on the operation of the Act. Motion of Senator Williams to take note of document agreed to.

IIF Investments Pty Limited and IIF Foundation Pty Limited—Reports for 2009-10. Motion of Senator Williams to take note of document agreed to.


Australia, done at Brasilia on 21 April 2010—Text, together with national interest analysis and annexure. Motion of Senator Williams to take note of document agreed to.

Treaty—Bilateral—Agreement between the Government of Australia and the Government of the United Mexican States relating to Air Services, done at Mexico City on 9 April 2010—Text, together with national interest analysis and annexure. Motion of Senator Williams to take note of document agreed to.


Treaty—Multilateral—Explanatory statement No. 6 of 2010—Amendments to the Plant Protection Agreement for the Asia and Pacific Region adopted in November 1999 by the FAO Council. Motion of Senator Williams to take note of document agreed to.


Australian Public Service Commission—State of the service—Report for 2009-10. Motion of Senator Cameron to take note of document agreed to.


Airservices Australia—Corporate plan 1 July 2010 to 30 June 2015. Motion of Senator Adams to take note of document agreed to.

Australian Electoral Commission (AEC)—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Pharmaceutical Benefits Pricing Authority—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Murray-Darling Basin Authority—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Wheat Exports Australia—Report for 2009-10. Motion of Senator Nash to take note of document agreed to.


Audio-Visual Copyright Society Limited (Screenrights)—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Copyright Agency Limited (CAL)—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.
Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 611/10 to 619/10—Commonwealth Ombudsman's reports. Motion of Senator Adams to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 611/10 to 619/10—Government response to Ombudsman's reports. Motion of Senator Adams to take note of document agreed to.


Treaty—Bilateral—Agreement between Australia and the Slovak Republic on Social Security, done at New York on 21 September 2010—Text, together with national interest analysis. Motion of Senator Adams to take note of document agreed to.

Treaty—Multilateral—Third Protocol Amending the Treaty of Amity and Cooperation in Southeast Asia, done at Hanoi on 23 July 2010—Text, together with national interest analysis. Motion of Senator Adams to take note of document agreed to.


Fisheries Research and Development Corporation (FRDC)—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Sugar Research and Development Corporation—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Gene Technology Regulator—Quarterly reports for the periods—1 April to 30 June 2010 and 1 July to 30 September 2010. Motion of Senator Adams to take note of documents called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Department of Broadband, Communications and the Digital Economy—Investigation into access to electronic media for the hearing and vision-impaired—Media access review final report, dated December 2010. Motion of Senator Adams to take note of document agreed to.

Australian Communications and Media Authority (ACMA)—Communications report for 2009-10. Motion of Senator Adams to take note of document agreed to.


Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.
Department of Finance and Deregulation—Consolidated financial statements for the year ended 30 June 2010 Motion of Senator Adams to take note of document agreed to.


Equal Opportunity for Women in the Workplace Agency (EOWA)—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the Research Involving Human Embryos Act 2002 for the period 1 March to 31 August 2010. Motion of Senator Adams to take note of document agreed to.

National Rural Advisory Council (NRAC)—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Australian Centre for Renewable Energy Board—Report for the period 28 October 2009 to 30 June 2010. Motion of Senator Adams to take note of document agreed to.

Australian Health Practitioner Regulation Agency (AHPRA)—Report for the period 1 March 2009 to 30 June 2010. Motion of Senator Adams to take note of document agreed to.


Department of Finance and Deregulation—Certificate of compliance—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Australia and the International Financial Institutions—Reports for 2008-09. Motion of Senator Adams to take note of document agreed to.


Privacy Act 1988—Privacy reforms: Credit reporting—Exposure draft and companion guide, dated January 2011. Motion of Senator Adams to take note of document agreed to.

Private Health Insurance Administration Council—Report for 2009-10 on the operations of the registered health benefits organisations. Motion of Senator Adams to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Taxation—Mining tax—Revenue estimates—Government estimates—Health—GST agreement—Proposed variation—Administration—Australian Information Commissioner—Provision of information—Letter to the President of the Senate from the Australian Information Commissioner (Professor McMillan) responding to orders of the Senate of 26 October and 23 November 2010 and responding to the resolution of the Senate of 22 November 2010, dated 31 January 2011. Motion of Senator Cormann to take note of document agreed to.

Parliamentarians' expenditure on entitlements paid by the Department of Finance and Deregulation—1 January to 30 June 2010, dated
November 2010. Motion of Senator Williams to take note of document agreed to.

Former parliamentarians’ expenditure on entitlements paid by the Department of Finance and Deregulation—1 January to 30 June 2010, dated November 2010. Motion of Senator Williams to take note of document agreed to.

Parliamentarians’ overseas study travel reports—1 January to 30 June 2010. Motion of Senator Williams to take note of document agreed to.

Department of Defence—Special purpose flights—Schedule for the period 1 January to 30 June 2010. Motion of Senator Williams to take note of document agreed to.


Aboriginal and Torres Strait Islander Social Justice Commissioner—Report for 2010—Native title. Motion of Senator Parry to take note of document agreed to.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Report for 2010—Social justice. Motion of Senator Parry to take note of document agreed to.

Anindilyakwa Land Council—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Anindilyakwa Land Council—Report for 2009-10. Motion of Senator Parry to take note of document agreed to.

Treaty—Bilateral—Treaty between Australia and the People's Republic of China concerning the Transfer of Sentenced Persons, done at Sydney on 6 September 2007—Text, together with national interest analysis. Motion of Senator Parry to take note of document agreed to.

Treaty—Multilateral—Explanatory statement No. 1 of 2011—Proposed Amendment to the Articles of Agreement of the International Monetary Fund on the Reform of the Executive Board, adopted by the IMF Board of Governors on 15 December 2010. Motion of Senator Parry to take note of document agreed to.


Australian Broadcasting Corporation (ABC)—Equity and diversity—Report for the period 1 September 2009 to 31 August 2010. Motion of Senator Parry to take note of document agreed to.

Advisory Panel on the Marketing in Australia of Infant Formula—Report for 2009-10. Motion of Senator Parry to take note of document agreed to.

National Environment Protection Council (NEPC)—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Australian Customs and Border Protection Service—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 October to 31 December 2010. Motion of Senator Adams to take note of document agreed to.


Treaty—Bilateral—Amendments to Singapore-Australia Free Trade Agreement, done at Singapore on 27 July 2009—Text, together with national interest analysis and annexures. Motion of Senator Adams to take note of document agreed to.

Treaty—Multilateral—Accession by Australia to the Convention on Cybercrime (Budapest, 23 November 2001)—Text, together with national
interest analysis. Motion of Senator Adams to take note of document agreed to.

Snowy Hydro Limited—Financial report for the period 5 July 2009 to 3 July 2010. Motion of Senator McGauran to take note of document agreed to.

Royal Australian Air Force Welfare Recreational Company—Report for 2009-10, including financial statements for the RAAF Central Welfare Trust Fund. Motion of Senator Macdonald to take note of document agreed to.

Natural Heritage Trust—Report for 2007-08. Motion of Senator Macdonald to take note of document agreed to.

Department of Finance and Deregulation—Campaign advertising by Australian government departments and agencies—Report for the period 1 July to 31 December 2010. Motion of Senator Macdonald to take note of document agreed to.


Law and justice—Cyber Security Awareness Week—Ministerial statement by the Attorney-General (Mr McClelland), dated 31 May 2011. Motion of Senator Ludlam to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 January to 31 March 2011. Motion to take note of document moved by Senator Boyce and debated. Debate adjourned till Thursday at general business, Senator Boyce in continuation.


Migration Act 1958—Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days—Report for the period 1 November 2010 to 28 February 2011. Motion to take note of document moved by Senator Boyce and debated. Debate adjourned till Thursday at general business, Senator Boyce in continuation.

General business orders of the day nos 117, 123 to 130, 133 to 135 and 138, 140, 141 and 144 to 149 relating to government documents were called on but no motion was moved.

COMMITTEES

Christmas Island Tragedy Committee Report

Senator MARSHALL (Victoria) (18:05): I move:

That the Senate take note of the report.

I rise to speak on the report of the Joint Select Committee on the Christmas Island Tragedy, which was established on 2 March 2011 to inquire into the incident on 15 December 2010 in which a boat full of men, women and children, now known as suspected illegal entry vessel 221, foundered on rocks on Christmas Island. The committee heard how just after dawn the unexpected boat was sighted in appalling weather conditions a few hundred metres from shore, seemingly unaware that relative safety could be found on the more protected east side of the island, where HMAS Pirie and ACV
_Triton_ were sheltering. SIEV221 pushed on towards the nearest part of Christmas Island. In what was to be a fateful turn of events, the vessel lost power and began drifting towards Rocky Point, with rescue boats still half an hour away at this time. The committee heard and saw horrifying evidence of how the boat impacted, by then completely at the mercy of the sea, against the rocky shore. What happened next was, first and foremost, a human tragedy. Forty-one people were pulled from the sea by Navy and Customs crew. One man, through sheer strength and considerable luck, managed to struggle up the razor-sharp rock to safety. Thirty of the deceased were found during the rescue and recovery effort. Twenty people were never found and are, of course, presumed dead. Three children were orphaned by this tragedy. Parents lost young children. People lost husbands, wives, brothers and sisters. Their grief is immeasurable.

It is with deep sympathy for the deceased and their families that the committee undertook to address in its terms of reference and to assess whether the rescue effort and after-incident support were everything they could have been. It is also with deep respect for the deceased, their families and the survivors of this tragedy that this report unreservedly praises the efforts of the rescuers and attributes to their heroic efforts the fact that 41 human beings were pulled alive from those turbulent seas. Having stood on those cliffs at Rocky Point, imagining the sheer force of the sea in atrocious weather, it is the view of the committee that it is remarkable that anyone at all survived. We could well have seen a different outcome if it were not for the rescuers, who put their own safety on the line to save others. This report unequivocally concludes that the rescue effort mounted by Customs and the Navy was of the highest order against the most trying circumstances.

The committee received a range of submissions from survivors, asylum seeker advocacy groups, government agencies and others. The committee appreciates the ongoing emotional impact of this tragedy on everyone involved and understands that these emotions are in many cases, understandably, still quite raw. The committee did its best to approach this inquiry, and each witness and submitter, with the utmost sensitivity. On behalf of the committee, I extend our gratitude to everyone who made submissions and gave evidence. The committee is aware that a large number of people who chose not to provide evidence to this inquiry were nonetheless deeply affected by the tragedy.

Of particular note are Christmas Island residents who, with little or no training, did all they could on the day, gathering lifejackets and other flotation aids and throwing them to people struggling in the water. Together with the Australian Federal Police officers, they formed a human chain to get closer to the edge in a bid to reach survivors. The committee heard that without these lifejackets it is certain that many more people would have perished. The committee also heard how helpless residents felt on the day, watching these horrific scenes unfolding and how they wanted to do more. These are all normal human reactions. The committee hopes this report will remind residents on Christmas Island that their admirable efforts were not in vain, quite the opposite.

From the onset of inquiry we set out to ensure that residents were being provided with the best possible ongoing support should they feel they need it. I speak for the committee in praising the effort and dedication of staff with the Indian Ocean Territories Health Service, who cared—and continue to care—for the Christmas Island community in direct and in indirect ways. The committee also acknowledges that government agencies made their own
counsellors available to the community for some time after the tragedy and concludes that the support provided for residents was appropriate to their needs.

For the residents of Christmas Island, daily life serves as an inescapable reminder of the tragedy. When the committee learned that the Department of Immigration and Citizenship was planning to build a memorial for those who perished in the tragedy, it supported this decision but stressed that this should be done with sensitivity and in consultation with the island community. The report includes a recommendation to this effect in order to highlight just how important it is to help the community heal.

The committee also examined the care and support provided for the survivors and government agency staff. These two groups of people were affected in different but equally important ways. This inquiry focused extensively on the after-incident support provided for both groups. In both cases, after pursuing the matter with departmental officers, the committee was satisfied that all agencies fulfilled their duty of care with sensitivity and the utmost professionalism. The committee heard extensive evidence from senior DIAC officers on a number of issues around the care and support provided for the survivors and notably the specific needs of the three orphaned children. The committee found that everything that was done was done with the survivor's interests as the foremost concern. Psychological wellbeing and privacy were prioritised and for this the committee commends DIAC unreservedly.

While the committee assessed all available evidence anew, this inquiry was conducted with the benefit of the findings of two earlier examinations of the incident, the report of the Christmas Island Emergency Management Committee and Customs SIEV221 internal review. Both found that the emergency response of agencies on the island was excellent. This is in keeping with the committee's own inquiry, which did not come across anything that would lead the committee to question the quality of the response and rescue effort mounted.

The committee considers that this report complements the findings and recommendations of the Customs review, as well as the work undertaken by the Christmas Island Emergency Management Committee. The Customs internal review made eight prompt, comprehensive and appropriate recommendations. The committee bore these in mind over the course of the inquiry and noted that seven had already been implemented by the time the committee reported. Their implementation will go a long way towards filling any gaps in Australia's rescue response endeavours identified in retrospect and will streamline any future rescue efforts, should they ever be required.

This tragedy has demonstrated the inherent dangers of the people-smuggling business in an horrific way and at great human cost. The committee hopes that this inquiry and report have helped elucidate how difficult a position rescue crew and witnesses to the tragedy found themselves in, and it praises the courage of everyone involved in the rescue effort under such impossible conditions.

On behalf of the committee I once again thank everyone who provided evidence for this inquiry. This participation process was painful for many. The committee recognises and appreciates their efforts. I would also like to pay significant tribute to the secretariat staff, who also had to engage with the committee members in hearing evidence from many of the groups affected. They also viewed the Christmas Island tragedy site and
witnessed footage of the tragedy itself. I would also like to pay tribute to my fellow committee members particularly the deputy chair, Mr Keenan, from the other place, Mrs Markus from the other place, Mr Perrett, Mr Husic and Mr Champion, and Senator Cash, Senator Fielding and Senator Crossin. I thank them all very much for their cooperation and efforts involved in getting a unanimous report. I think it is a very thorough and comprehensive report, a very sensitive and difficult report to bring to conclusion, but I think that we all shared some of the pain involved. I can only again simply recognise the enormous courage that was displayed by everyone involved in the rescue effort. It could easily have turned out very badly for the rescuers themselves. We note that they operated in conditions far, far, far above the operational capacities of the vessels they were using, and their courage has made Australia proud. The rest of the islanders who were also involved in the rescue effort have also made us particularly proud to be Australians, and I commend everybody involved.

Question agreed to.

Reform of the Australian Federation Committee

Report

Senator FURNER (Queensland) (18:16):

I move:

That the Senate take note of the report.

I rise to speak on the report of the Senate Select Committee on the Reform of the Australian Federation. On behalf of the committee I am pleased to speak to the committee's report entitled Australia's Federation: an agenda for reform. The report was presented to the President of the Senate on 30 June 2011. In establishing the inquiry, the Senate was seeking an assessment of whether the federal system is effectively serving the needs of the Australian people.

The committee heard considerable evidence that federalism allows a geographically large and diverse country such as Australia to maintain national unity and deal with global issues at the same time as respecting regional difference, and that the most internationally competitive economies in the world are federations. Evidence presented to the committee underlined that the federal model of governance we see operating in today's Australia still delivers on the principle that promoted the formation of the Australian nation, namely, that through union more can be achieved than the states could achieve separately. As a delegate at the 1898 Australasian Federation Conference commented:

No man can say that, even burdened with disunion, Australia will not have ... prosperity. No man can say that every state ... will not share it. But ... all that prosperity will be as nothing to the prosperity that will come from union.

The evidence before the committee was clear that Australia benefits socially, culturally and economically from this union. The nation has a robust system of government that continues to serve the Australian people well.

However, the committee also heard of challenges facing the Federation. These include: vertical fiscal imbalance and centralising trends that impact the distribution of power between the levels of government and therefore the roles and responsibilities of the Commonwealth and the states. Cooperation and competition between jurisdictions can be of immeasurable benefit to Australians as standards are lifted across jurisdictions and resources are put to their best use. However, a key challenge facing Australia's model of federalism is to guarantee an appropriate
balance between Commonwealth and state power.

The federal system also faces the challenge of remaining responsive to the needs of the Australian people. The Australian Federation should be dynamic and open to carefully considered reform. Change through constitutional referendums has been modest. Only eight out of 44 referendums have been passed. Whether this is an indication of Australia having a poor record of referendums or, as one witness suggested, a record of poor referendums, was debated keenly during the course of the inquiry.

What is clear, though, is that there needs to be a significant and more effective engagement with the Australian public than has hitherto occurred if reform is to be achieved. A willingness to reform will ensure that we can continue to meet the challenges facing the Federation and Australians can continue to enjoy the benefits of federalism as the nation evolves.

The committee considers the maintenance of the federal compact between the Commonwealth and the states requires a more coordinated program of review. We must move beyond the ad hoc approach to federal reform to develop a continuing process by which the health of the Australian Federation is continually monitored and improved. In accordance with the terms of reference received from the Senate, the committee's report sets out an agenda for considered reform of the Australian Federation. Among the measures recommended are: the establishment of a joint parliamentary committee that will have an integral role in helping manage Australia's modern Federation; exploration of ways to place Commonwealth funding of local government on a more reliable long-term foundation; improvements to the operation of the Council of Australian Governments, otherwise known as COAG; and measures to improve public understanding of, and engagement with, the federal system including dedicated research into priorities affecting the Australian Federation. In all, the committee made 21 recommendations and I commend these to the Senate.

The report brings to a close an inquiry conducted over 12 months for which four hearings were held and 48 submissions received. The inquiry attracted extensive interest from persons across the Australian community including academics, lobby groups, individuals and government bodies at the Commonwealth, state, regional and local levels. This was an inquiry that touched on each level of government across each jurisdiction. The committee extends its thanks to all those who participated and thereby contributed to establishing an agenda for national reform.

In concluding, the committee wishes to acknowledge the work of Senator Trood, chair of the committee, and I speak on behalf of the committee in the absence of Senator Trood, who retired on 30 June. The committee is grateful to the Senate for his leadership and his fervent commitment to the inquiry. The agenda for reform and the continuing action that the committee hopes will follow are part of Senator Trood's legacy and demonstrate his commitment to good governance within the Australian federal system. Additionally, we wish to place on record the extensive assistance of the secretariat and thank them for their excellent work that contributed to finalising this report.

Debate adjourned.

Community Affairs References Committee Report

Senator BOYCE (Queensland) (18:23): I move:
That the Senate take note of the report.

The Community Affairs References Committee report *Hear us: inquiry into hearing health in Australia* was conducted mainly over the year 2009-10. It brought up a number of very important issues regarding hearing and disadvantaged people, including Aboriginal and Torres Strait Islanders. I want to address a couple of the issues that are related to our report. The first is the number of people, Aboriginal and non-Aboriginal, who have a significant intellectual disability or cognitive impairment and are currently racketing around within our prison system. These are often people who have served their term but cannot be released because there is nowhere to release them to.

For instance, in the Northern Territory there has been a plan for some considerable time to build a type of halfway house support accommodation for people with intellectual disability leaving the prison system. The initial idea was to have it in Darwin. This was opposed and not approved. It seemed to be moved further and further and further out, until it is now right next door to the prison and within the prison’s fence. This is to be a shared halfway house for people with mental health problems and people with intellectual disability. I do not see this as the beginning of any sort of solution for people who often, because of their inability to communicate, are not afforded the same sort of justice as others.

One of the big issues that was raised during the hearing health inquiry was that people are often seen as behaving badly, being uncooperative or having low IQ when in fact it is their lack of hearing that is causing the issue, not their other abilities. We really need to look at the system that we are currently using to assist people who are in the prison system often through no fault of their own, but more a fault of the system and the fact that they are not supported. People have been imprisoned for relatively minor crimes. If the only response once they have served their sentence is for them to go back into the community without any support or any help, the odds that they will commit the same crime all over again are quite high.

Some horrific stories are told by people who have worked in the guardianship area in Queensland, the Northern Territory and Victoria about people who were abused as children, who clearly have hearing and other difficulties, including intellectual disability or cognitive impairment, and who are being treated over and over again as perpetrators when in fact they are victims. There are horrific stories of their childhoods and, when they get out of prison, they are often living rough, drinking too much and offering themselves for sex as a way to fund their drinking or their drugs, yet our system has no way of helping these people.

In Queensland we have a Mental Health Court and a Murri Court designed to help people with specific needs through the court system. We do not have anything similar for people with cognitive impairment, and yet many people with hearing and other problems do not fit into those Mental Health or Murri courts. In my view we need nationally to address the issue of finding ways to support people who are in the prison system when there are probably a lot better places for them to be where they could be supported and given a chance to have a real life. To continue to punish people for what is often not their fault in the first place I find completely offensive.

The other issue I would like to raise with regard to the hearing health inquiry is perhaps the flipside of this. Hearing is part of being able to communicate and so is speech. Currently in Australia we have an extreme shortage of speech pathologists. We do not have any sort of national plan for how to go
about developing more speech pathologists. We do not have any sort of national plan for how we go about retaining speech pathologists within the system. Despite the training that is needed to become a speech pathologist it is often an underpaid occupation—and guess what? It is a female dominated occupation, so why would we be surprised that it is not as well paid as some of the other professions that require the same level of training as is required to become a speech pathologist. We need to wrap all of this up in one bundle and look at the issues that have developed.

I was delighted with the hearing health inquiry and I have been pleased by some of the government responses to it. But I suggest that we use this as a launching pad to inquire further into the way we treat prisoners with disability of any sort and the way we treat Australians with communication difficulties, particularly, as I said, in the area of providing real speech pathology to people who need to develop their communication skills.

I seek leave to continue my remarks.

Leave granted; debate adjourned.

**Consideration**

The following orders of the day relating to committee reports and government responses were considered:


- Ministerial Discretion in Migration Matters—Select Committee—Report—Government response. Motion to take note of report moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.


- Community Affairs References Committee—Final report—Disability and ageing: lifelong planning for a better future. Motion of the chair of the committee (Senator Siewert) to take note of report. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

- Community Affairs References Committee—Final report—Social and economic impact of rural wind farms. Motion of Senator Polley to take note of report. On the motion of Senator Boyce the debate was adjourned till the next day of sitting.

- Rural Affairs and Transport References Committee—Final report—Pilot training and airline safety; and consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010. Motion of Senator Polley to take note of report agreed to.


- Rural Affairs and Transport References Committee—Final report—Science underpinning the inability to eradicate the Asian honey bee. Motion of Senator Bushby to take note of report agreed to.

- Legal and Constitutional Affairs References Committee—Report—Review of the National Classification Scheme: achieving the right balance. Motion to take note of report agreed to.

- Intelligence and Security—Joint Statutory Committee—Report—Annual report of committee activities 2009-10. Motion of Senator Faulkner to take note of report agreed to.

- Law Enforcement—Joint Statutory Committee—Report—Inquiry into the adequacy of aviation and maritime security measures to combat serious and organised crime. Motion to take note of report agreed.

- Corporations and Financial Services—Joint Statutory Committee—Reports—Access for small and medium business to finance—Statutory oversight of the Australian Securities and Investments Commission. Motion of Senator
Boyce to take note of reports. Debate adjourned till the next day of sitting, Senator Boyce in continuation.


Finance and Public Administration References Committee—Report—The administration of health practitioner registration by the Australian Health Practitioner Regulation Agency (AHPRA). Motion to take note of report moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

Foreign Affairs, Defence and Trade References Committee—Report—Incidents onboard HMAS Success between March and May 2009 and subsequent events: Part I. Motion of the chair of the committee (Senator Kroger) to take note of report agreed to.

Legal and Constitutional Affairs References Committee—Interim and final reports—Australian Law Reform Commission. Motion to take note of report moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

Scrutiny of New Taxes—Select Committee—Interim report—New taxes monitoring database. Motion of Senator Adams to take note of report agreed to.

Corporations and Financial Services—Joint Statutory Committee—Reports—Statutory oversight of the Australian Securities and Investments Commission—Report on the 2009-10 annual reports of bodies established under the ASIC Act. Motion of Senator Williams to take note of reports agreed to.


Legal and Constitutional Affairs References Committee—Report—Donor conception practices in Australia. Motion to take note of report agreed to.

Orders of the day nos 3 to 5, 7, 9, 20, 22, 23, 25 to 27, 29 to 36, 38 to 54, 56 to 61 and 63 relating to committee reports and government responses were called on but no motion was moved.

AUDITOR-GENERAL’S REPORTS

Independent Performance Audit

Senator BOYCE (Queensland) (18:32): I move:

That the Senate take note of the document.

I find it quite fascinating that the Australian National Audit Office has been audited. This happens on a regular basis, but I think it is worthwhile reviewing the review of the reviewer, if I might put it that way. The audit was conducted by a gentleman called Mr Geoff Wilson, who is the CEO of KPMG and is described here as the Independent Auditor. From my own experience of the ANAO—and, I imagine, that of many others here—it is not surprising to find that the summary conclusion is:

The ANAO’s planning and scoping of the annual performance audit program and individual performance audits is being undertaken in an efficient and effective manner.

The Independent Auditor has not produced any formal recommendations but has come up with four suggestions about ways the ANAO might improve their work. These included the way the ANAO go about individual audit planning and scoping—looking at the framework that they put around these. The Independent Auditor has suggested ‘formalising the existing check-point for the review of the audit work plan.’

An audit work plan is developed by a working group within the ANAO once they have decided to proceed with an audit. The Independent Auditor also looked at how the ANAO should improve the documentation of internal consultation within the IT Audit...
branch and suggested there should be 'further support and training in the professional services automation system.'

I was pleased to find, in looking at this report—and I must admit it is the first year that I have looked at this report—that Australia and Canada are amongst some of the few international audit organisations that do use international auditing standards in undertaking their performance audit activities. The Internal Auditor has produced a table giving a high-level comparison of the ANAO and the Canadian Office of the Auditor-General. The review makes the point that there are some differences between what the two groups do. For instance, the Australian National Audit Office uses a rolling work program—every 12 months suggestions are sought on what should go into what is called the blue book, which is where the ANAO keep their plan of proposed performance audits. It is a rolling thing. Canada has a different planning system where the work is primarily generated out of the Office of the Auditor General itself and they come up with a five-year plan.

The comparison made by the Independent Auditor found that the ANAO produces between 45 and 55 performance audits and currently produces the following audit products: financial statement audit opinions, regulatory assurance reports, better practice guides and the Defence Materiel Organisation major projects report. That compares with the Canadian OAG, which produces between 26 and 33 performance audits and undertakes financial audits, special examinations, sustainable development monitoring activities—an interesting one, I thought, for an auditing organisation which has come primarily out of a financial and regulatory system—environmental petitions and assessment of agency performance reports. There was close alignment between the two organisations in some areas. I suggest that we have a fantastic system right now and that the way the ANAO relates to all parliamentary committees—primarily to the Joint Committee on Public Accounts and Audit—is a very strong and robust part of our system. I am concerned sometimes by the limits that appear to be placed on the ANAO in terms of the way they go about their audits. They often look at the way legislation, a department or someone else has performed according to the standards that were set. They do not go outside that framework. One example I can think of off the top of my head was in relation to whether government advertising meets the guidelines established by the government. Whilst it was all very well to say, 'This is the criteria established by the government for government advertising and they meet that criteria,' there was no criticism of the criteria per se. I would suggest that without assessing the semiotics around an advertisement—who was in it, whether the Australian flag was in it or whatever—it is very hard to say that an advertisement is not trying to influence people towards a particular party point of view if you do not do a semiotic analysis of an advertisement.

Of course that was outside what the ANAO was allowed to do in that situation. I am delighted that this report exists and I am delighted that Mr Wilson has so carefully analysed the overall performance of the ANAO in regard to how it develops the projects that are in the blue book, how it scopes out what it will do and also in regard to the individual audits that the ANAO undertakes. I have also been pleased by the response of the ANAO to the suggestions of the independent auditor. There is one I could read out here but it has about 12 abbreviations involving things like PASGs, AASGs and AWPs. Primarily, what it is trying to say is that the ANAO should build a few more steps into the work plans that they
develop for undertaking specific audits so that there is a visibility of who is doing what between the executive that do the consultation, the public audit group and individual audit group. I am trying to look up an abbreviation as I speak. It is suggested that the performance audit services group who would oversight the development of each individual audit and the assurance audit services group, the AASG, who oversight how well each audit is undertaken need to consult more visibly. I am pleased to see that that idea of making sure that there is a complete knowledge transfer from the group that decided how to do it to the group that oversees how well the audit was achieved is a recommendation that the ANAO has accepted and will be implementing.

As I said, I think the ANAO does an extremely good job and I am pleased that we have the ability to oversight how it has done. Perhaps one small omission in my view from this report is that there is no indication of how the independent auditor is chosen and to whom the independent auditor reports. This is something that might like to be considered for future reference.

Question agreed to.

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 34 of 2010-11—Performance audit—General practice education and training—General Practice Education and Training Limited. Motion to take note of document moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.


Auditor-General—Audit report no. 42 of 2010-11—Performance audit—The establishment, implementation and administration of the council allocation component of the Regional and Local Community Infrastructure Program—Department of Regional Australia, Regional Development and Local Government. Motion to take note of document moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.


Auditor-General—Audit report no. 52 of 2010-11—Performance audit—Administration of deductible gift recipients (non-profit sector)—Australian Taxation Office. Motion to take note of document moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

Auditor-General—Audit report no. 57 of 2010-11—Performance audit—Acceptance into service of Navy capability—Department of Defence; Defence Materiel Organisation. Motion to take note of document moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

Orders of the day nos 1 to 6, 8, 12 to 15, 17 to 19, 22 to 25 relating to reports of the Auditor-General were called on but no motion was moved.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop): I have received
letters from party leaders and independent senators requesting changes in the membership of committees.

Senator JACINTA COLLINS
(Victoria—Parliamentary Secretary for School Education and Workplace Relations)
(18:42): by leave—I move:
That senators be discharged from and appointed to committees as follows:

**Environment and Communications References Committee**—
Appointed—
Substitute member:
Senator Bob Brown to replace Senator Waters for the committee's inquiry into the status, health and sustainability of the koala population
Participating members: Senators Madigan and Waters

**Finance and Public Administration Legislation Committee**—
Appointed—
Substitute member:
Senator Wright to replace Senator Di Natale for the committee's inquiry into the exposure drafts of Australian privacy amendment legislation
Participating members: Senators Di Natale and Madigan

**Finance and Public Administration References Committee**—
Appointed—Participating member: Senator Madigan

**Foreign Affairs, Defence and Trade Legislation Committee**—
Appointed—
Substitute member:
Senator Wright to replace Senator Ludlam for the committee's inquiry into the provisions of the Veterans' Entitlements Amendment Bill 2011
Participating members: Senators Ludlam and Madigan

**Foreign Affairs, Defence and Trade References Committee**—
Appointed—Participating member: Senator Madigan

**Intelligence and Security—Joint Statutory Committee**—
Appointed—Senator Stephens, pursuant to the *Intelligence Services Act 2001*

**Legal and Constitutional Affairs Legislation Committee**—
Appointed—
Substitute members:
Senator Siewert to replace Senator Wright for the committee's inquiry into the Patent Amendment (Human Genes and Biological Materials) Bill 2010

Senator Hanson-Young to replace Senator Wright for the committee's inquiry into the Migration Amendment (Detention Reform and Procedural Fairness) Bill 2010

Senator Siewert to replace Senator Wright for the committee's inquiry into the Native Title Amendment (Reform) Bill 2011

Senator Siewert to replace Senator Wright for the committee's inquiry into the provisions of the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011

Participants: Senators Madigan and Wright

Legal and Constitutional Affairs References Committee—
Appointed—Participating member: Senator Madigan

Public Accounts and Audit—Joint Statutory Committee—
Discharged—Senator Milne

Rural Affairs and Transport Legislation Committee—
Appointed—Participating member: Senator Madigan

Rural Affairs and Transport References Committee—
Appointed—Participating member: Senator Madigan

Scrutiny of New Taxes—Select Committee—
Appointed—Senator Madigan.

Question agreed to.

BUSINESS

Leave of Absence

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (18:43): I move:

That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question agreed to.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop): I propose the question:

That the Senate do now adjourn.

Building the Education Revolution Program

Senator FURNER (Queensland) (18:43): I rise this evening to talk about one of the government's great initiatives, the Building the Education Revolution program. I have spoken many times in this place on this fantastic program, which saw 9,500 schools across Australia receive the new facilities that they yearned for but never could afford.

When the world was facing the global financial crisis in 2009 the government knew it had to take immediate action so that Australians would not face the same fate as many in the United States who lost their jobs.

We took swift action and implemented our $42 billion Nation Building and Jobs Plan to stimulate the economy and keep working Australians in jobs. We put thought into projects which have lasting benefits for communities across the nation through boosting local infrastructure and supporting the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question agreed to.

ADJOURNMENT

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (18:42): I move:

That the Senate, at its rising, adjourn till Tuesday, 16 August 2011, at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question agreed to.
jobs. We injected more than $14 million into 10,521 new 21st century facilities for primary schools, $822 million into 537 science or language projects, $1,289 million into 12,680 school maintenance and refurbishments projects, $5,238 million into 19,300 new social housing dwellings, $246 million into 829 new Defence Housing dwellings, $400 million into repairs for 75,000 social dwellings, $150 million into about 600 black spot road projects, $150 million into 300 new boom gates at high-risk crossings, $800 million into 3,351 community infrastructure projects, $711 million into advancing the allocation of funds for 14 major road projects, $1,189 million into 17 rail infrastructure projects and $1,688 million into strengthening facilities for training and higher education.

One of the key aspects of the stimulus package was the $16.2 billion BER program. Our plan was to invest in the education, skills and training of our young people to boost the productivity and prosperity of our nation for future generations. As of 31 January there had been 23,711 projects approved under the program, with 19,975 projects completed. I have been to many BER openings in the past 18 months—too many to count—and there will be another 40 coming up before the end of the year. I have heard nothing but praise for this fantastic Labor government initiative.

Principals and P&C presidents have talked of the benefits these new facilities bring to their schools. Unlike the ‘glorified garden sheds’ that Senator Boyce has described the BER projects as, we have 21st century facilities which will allow our nation’s students to use new technology in their everyday learning. Most classrooms that I have seen have interactive whiteboards, a far cry from the blackboard and chalk and the whiteboards of my generation. I have even seen green rooms attached to new libraries where students can film themselves doing presentations and then edit them in the facilities.

To some principals, these new facilities are a dream come true. Some have been teaching for more than 30 years and never imagined that they would see new buildings like these in their schools. On many occasions I have been asked to send my regards and thanks to the Prime Minister, Senator Evans and the government for providing these new halls, libraries, classrooms and science and language centres. Judith Seery, the principal of St Anthony’s Primary School at Alexandra Hills, said:

We are indeed grateful to the federal government for their generous gift to St Anthony’s. It’s an extraordinary privilege. Senator Mark Furner,
please pass on to Prime Minister Julia Gillard and the federal government our sincere thanks as a result this funding has assisted local trades people, families and communities to participate in activities to support achievement to develop learning potential …

Belinda Leavers, the principal of Loganlea State High School, said:

On behalf of the staff and the students and all members of the Loganlea State High School community I would like to extend our very sincere thanks to the federal government for this wonderful facility with leading-edge technologies and modern multi-purpose learning spaces.

Steve Ariel, the president of Carbrook State School P&C, said:

For some of you, having these fantastic new facilities will impact your lives in ways you cannot begin to imagine. They will make huge differences to your future. So on behalf of your mums, dads, guardians and the Carbrook community, I am here to say thank you. Thank you for giving us these great buildings, this fantastic gift. Thank you for investing in our children and the future of Carbrook.

Roz Cooper, the council chairperson at Living Faith Lutheran Primary School, said:

We are just absolutely delighted because we couldn't have got as high quality or well appointment in the buildings without the funding of the state and federal governments for both this hall and our third year one class. Given that this is our 10th year, that would have been well down the track before we could achieve that, so we're very very grateful.

Lastly, I thank the students from the Canungra State School. They were so grateful, they provided me with beautifully coloured posters and cards from their BER opening—and these now fill my office. To celebrate the opening, every class came up onto the stage and presented their hard work to me, which they had spent a long time in developing.

The BER initiative has benefited not only our teachers and students but also the wider community. All of these new facilities are or will be available to community groups to access. Already some schools allow taekwondo clubs and dance schools to use their new halls. While the government has heard nothing but positives about the BER program, the opposition criticised this key investment in education.

In conclusion, the Labor government's BER program has been an absolute success. Not only have we provided 21st century facilities to our students; we have given schools the boost, the encouragement and the tools to prosper. I have seen the members for Longman, Forde, Moncrieff, Wright, Ryan and Hinkler at some of the BER openings, which shows me that they support the BER initiative. I look forward to seeing them at more openings in the coming months.

Senate adjourned at 18:51

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

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

Airports Act—Select Legislative Instrument 2011 No. 123—Airports Amendment Regulations 2011 (No. 2) [F2011L01407].


Civil Aviation Act—Civil Aviation Safety Regulations—Revocation of Airworthiness Directives—Instrument No. CASA ADCX 013/11 [F2011L01404].

Civil Dispute Resolution Act—Select Legislative Instrument 2011 No. 113—Civil Dispute Resolution Regulations 2011 [F2011L01409].
Commissioner of Taxation—Public Rulings—
Class Rulings—
Goods and Services Tax Determination GSTD
2011/1.
Luxury Car Tax Determination LCTD 2011/1.
Miscellaneous Taxation Ruling MT 2011/1.
Taxation Determinations—
Addenda—TD 94/30 and TD 2005/1.
Notice of Withdrawal—TD 92/113.
TD 2011/17 and TD 2011/18.
Taxation Rulings—
Addendum—TR 2004/14.
Notice of Withdrawal—TR 2010/2.
TR 2011/2.
Competition and Consumer Act—Direction
No. 1 of 2011—Monitoring of the prices, costs
and profits relating to the supply of unleaded
petroleum products in the petroleum industry in
Australia [F2011L01417].
Customs Act—Tariff Concession Orders—
1100101 [F2011L01423].
1100407 [F2011L01422].
1101009 [F2011L01421].
1101010 [F2011L01420].
Environment Protection and Biodiversity
Conservation Act—Threat Abatement Plan for
the biological effects, including lethal toxic
ingestion, caused by Cane Toads [F2011L01416].
Export Market Development Grants Act—
Determination of the initial payment ceiling
amount for grant year 2010-11, dated 24 June
2011.
Federal Financial Relations Act—Federal
Financial Relations (General purpose financial
assistance) Determination No. 27 (June 2011)
[F2011L01424].
Financial Management and Accountability
Act—
Financial Management and Accountability
Determination 2011/09—Section 32 (Transfer of
Functions from BSA to DAFF) [F2011L01418].
Select Legislative Instrument 2011 No. 118—
Financial Management and Accountability
Amendment Regulations 2011 (No. 2)
[F2011L01411].
Food Standards Australia New Zealand Act—
Food Standards (Application A1030 – Calcium
Lignosulphonate (40-65) as a Food Additive)
Variation [F2011L01414]*.
Food Standards (Application A1037 – Steviol
Glycosides – Increase in Permitted Use Levels)
Variation [F2011L01415]*.
Food Standards (Application A1049 – Food
derived from Herbicide-tolerant, High Oleic Acid
Soybean Line MON87705) Variation
[F2011L01413]*.
Income Tax Assessment Act 1997—Location
Offset Rules 2008 (Amendment No. 1 of 2011)
[F2011L01412].
Jervis Bay Territory Acceptance Act—
Administration Ordinance 1990 (Jervis Bay
Territory)—Water and Sewerage Services Fees
Determination 2011 [F2011L01367].
National Vocational Education and Training
Regulator Act—
Australian Skills Quality Authority Instrument
Fixing Fees No. 1 of 2011 [F2011L01398].
Financial Viability Risk Assessment
Requirements 2011 [F2011L01405].
Navigation Act—Marine Order No. 5 of
2011—Marine Orders Part 41 Amendment 2011
(No. 1) (Carrier of Dangerous Goods)
[F2011L01406].
Telecommunications (Carrier Licence
Charges) Act—Telecommunications
(Specification of Costs by ACMA) Determination
2011 [F2011L01400].
Telecommunications (Consumer Protection
and Service Standards) Act—
Telecommunications (Participating Persons)
Determination 2011 (No. 1) [F2011L01419].
QUESTIONS ON NOTICE
Fair Work Ombudsman
(Question No. 597)

Senator Abetz asked the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, upon notice, on 12 April 2011:

(1) How many former Maritime Union of Australia officials are now employed as Fair Work Inspectors?
(2) Has any back pay been sought, or ordered and paid by foreign shipping companies to the Fair Work Ombudsman; if so:
   (a) how much;
   (b) to how many workers has this money been distributed;
   (c) how much money is held pending the tracing of the workers' whereabouts; and
   (d) given that these workers are likely to be overseas, what efforts have been made by the Ombudsman to ascertain their whereabouts?

Senator Chris Evans: The answer to the honourable senator's question is as follows:

(1) The Fair work Ombudsman is not aware that any of its Fair Work Inspectors are former Maritime Union of Australia officials. Nor does the Agency retain records of Fair Work Inspectors' prior union membership. The Fair Work Ombudsman is committed to respecting staff members' privacy. The Fair Work Ombudsman does not collect and record personal information unless the personal information is collected for a lawful purpose that is directly related to a function or activity of the Fair Work Ombudsman and the collection of that personal information is necessary for, or directly related to, that purpose.

(2) No.

Immigration Detention Centres
(Question No. 675)

Senator Cash asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 31 May 2011:

With reference to the article 'Heroin a hit in migrant centres' on page 3 of The Sunday Telegraph, dated 29 May 2011, in which it is claimed that 'Heroin addicts are being held in immigration detention centres and provided with methadone':

(1) Who provides medical services to detainees in Australia's detention network.
(2) How many detainees in the detention network have a drug related problem.
(3) How many detainees in the detention network are addicted to heroin.
(4) How many detainees are currently receiving methadone.
(5) What has been the total cost of the methadone program at Sydney's Villawood detention centre and Victoria's Maribyrnong facility for each of the following financial years
   (a) 2007-08;
   (b) 2008-09;
   (c) 2009-10; and
   (d) 2010-11 to date.
(6) Have any detainees in the detention network developed drug dependency since they entered the detention network; if so, how many and where are they located.

(7) Can details be provided of the total cost for providing health related services to detainees in the detention network for each of the following financial years:
   (a) 2007-08;
   (b) 2008-09;
   (c) 2009-10; and
   (d) 2010-11 to date.

(8) Given that the article in The Sunday Telegraph states that 'Each detainee is racking up a medical bill on average of almost $8000 during their stay', is this correct; if not, what is the average medical bill incurred by a detainee during their time in detention.

(9) For each of the following financial years: 2007-08, 2008-09, 2009-10, and 2010-11 to date:
   (a) on how many occasions have illegal substances been found in detention centres; and
   (b) what were these illegal substances.

Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) Medical services to persons detained at immigration detention facilities are provided by the Department's contracted Health Services Provider, International Health and Medical Services (IHMS).

(2) Some people in immigration detention may have pre-existing drug related problems or drug dependencies. The actual number is unknown, as random drug testing of clients is not undertaken.

(3) The Department is aware of one client being addicted to heroin within the detention network.

(4) Two clients currently receive methadone treatments. One is for addiction (as indicated above) and the other is for pain management.

(5) Separate costing for the Methadone programs run in the Villawood and Maribyrnong Immigration Detention Facilities are not available. These programs are included in the IHMS contract and are not distinguished separately.

(6) The Department is not aware of any client developing a drug addiction problem while in immigration detention.

(7) The total cost for detention health and related services is as follows:
   (a) 2007-2008 $11.4 million
   (b) 2008-2009 $13.4 million
   (c) 2009-2010 $26.1 million
   (d) 2010-2011 (YTD as at 31 May 2011) $95.236 million

(8) The Department's immigration detention network consists of a range of facilities of differing structure, location and capacity. Costs are not captured on a per person per day basis as each facility has different cost drivers where costs fluctuate depending on the number of people in that facility and the services that each individual might require.

(9) No substances confirmed as being illegal have been found in immigration detention centres. Occasionally, unidentified substances are found and are handed to local Police. Below is a record of such occurrences for the periods requested:

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QUESTIONS ON NOTICE
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