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**SITTING DAYS—2012**

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FORTY-THIRD PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

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

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

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

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

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

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

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

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

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

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

PARTY ABBREVIATIONS

Heads of Parliamentary Departments

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

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<tr>
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<td>The Hon Julia Gillard MP</td>
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<tr>
<td><strong>Minister for Social Inclusion</strong></td>
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<tr>
<td><strong>Minister for Social Inclusion</strong></td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td><strong>Minister for the Public Service and Integrity</strong></td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister on the Centenary of ANZAC</strong></td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td><strong>Cabinet Secretary</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>Senator the Hon Jan McLucas</td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td><strong>Minister for Financial Services and Superannuation</strong></td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td><strong>Assistant Treasurer</strong></td>
<td>The Hon David Bradbury MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Treasurer</strong></td>
<td>The Hon Bernie Ripoll MP</td>
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<td>Senator the Hon Chris Evans</td>
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<td>(Leader of the Government in the Senate)</td>
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<td><strong>Minister for Industry and Innovation</strong></td>
<td>The Hon Greg Combet AM MP</td>
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<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Brendan O’Connor MP</td>
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<tr>
<td><strong>Parliamentary Secretary for Industry and Innovation</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
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<td>The Hon Sharon Bird MP</td>
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<tr>
<td>(Deputy Leader of the House)</td>
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<td>Minister for Community Services</td>
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<td>The Hon Julie Collins MP</td>
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<td>Parliamentary Secretary for Pacific Island Affairs</td>
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<td>Parliamentary Secretary for Foreign Affairs</td>
<td>The Hon Richard Marles MP</td>
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<td>Minister for Sustainability, Environment, Water, Population and Communities</td>
<td>The Hon Tony Burke MP</td>
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<td>(Vice-President of the Executive Council)</td>
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Thursday, 20 September 2012

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

BILLS
Marriage Amendment Bill (No. 2) 2012
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (09:31): I am in continuation from my contribution from last night and, as I indicated to the chamber last night, I will be supporting the Marriage Amendment Bill (No. 2) 2012.

Today I want to talk about a group of people who need understanding and support as they come to understand who they are and how they relate to others. They are gay, lesbian, bisexual, transgender and intersex young people, particularly those living in rural and regional areas, who simply do not know where to turn for support and advice.

Along with the thousands of emails we have all received, one stuck in my memory. Jay—not his real name—is now 17. He lives in a regional Queensland city. He is bright; he gets As for maths, Bs for chemistry and As for art. He is a sporting leader in his school. He says that he has, 'an amazing bunch of friends who love me. The reason why they love me is because I stand for what I believe in'.

Just over a year ago Jay came out. Unfortunately—and this is, very sadly, the reality for many young people—his parents did not take it well. He says in his email to me, 'In the society we live in today, to be gay is only frowned upon by the older citizens ranging from twenties onwards. Can you not realise that the younger generation are ready to accept what should have already been accepted?' He rightly objects to being stereotyped as sexually deviant and as camp. He is a resilient, thoughtful young man who said, 'I honestly want to be able to settle down with someone I love in the future, receive the benefits I deserve as a human being who is in a relationship and have a family with kids I'll cherish'.

Jay is not alone. There are many young voices that call for recognition and respect for themselves and their circumstances. There have been myriad government and community reports over the last 20 years about the life experience of young men and women coming to grips with their sexuality, particularly in regional Australia. Terribly sadly, we know that in regional areas the outcomes for some have been tragic. It is our job to respect and include people whose sexual orientation may be different from our own. It is our job to make sure that our language is respectful and understanding; that it includes and does not exclude.

This bill is about people; real people who love and cherish. I leave the last words with...
Jay: he says, 'Stop being so close minded and factor in people like me when you make your decision. I am only 16'—he was at the time—'and I have more of an open mind than most other citizens'.

Senator BOYCE (Queensland) (09:35): I would like to put on record my support for the intention of this Marriage Amendment Bill (No. 2) 2012. I would also like to put on record my view that the Labor government, knowing that this bill will be voted down, is indulging in the worst sort of cynicism by bringing this debate on now. In the past, Prime Minister Gillard has refused to introduce legislation—for an example, on asylum seekers—when she did not have majority support. In this case, Ms Gillard has allowed the legislation to go ahead knowing it will be defeated. 'Hypocritical' is a word that comes to mind.

I have been very concerned by some of the speeches made in the past few days, trying to position gay people—or, for that matter, gay, lesbian, bisexual, transgender or intersex people—as 'other'. The big news is that gay people are just people: there are good gays and bad gays, rich gays and poor gays, gays who want to get married and gays who do not, gays who like footy and gays who do not, gays who want children and gays who do not.

I urge those senators who have not already done so to have a look at the Personal Stories section on the Australian Marriage Equality website. It absolutely proves that gay people are just people. There are photos on the website of young couples and old couples, tattooed couples and couples in business attire. The only thing these couples have in common with each other is their happiness at making a public and loving commitment. I would also add that this happiness gives them something in common with other, heterosexual, couples in Australia—but, and this is a huge 'but', not all heterosexual couples. Many married and de facto heterosexual couples are not in loving, happy relationships. Not all children in Australia are raised by a loving and kind mother and father. I know this may come as a surprise to some of those who oppose marriage equality, but it is true.

What also is not true are some of the ridiculous statements I have heard made as reasons to oppose marriage equality. My pick for the most ludicrous piece of pseudo-research is that lesbians have extraordinarily high rates of sexually transmitted disease because they are all wildly promiscuous, especially with men. That left me very puzzled. I would also query research suggesting that gay men and women have shorter lifespans than other Australian men and women. Even if this were true, so what? We can think of a number of reasons why this might be so. But, also, Indigenous Australians have shorter lifespans than other Australians and I do not remember that being used to advance a case to prevent Indigenous people from marrying. Certainly when the first national marriage act was being debated, in 1959, Aboriginal people in most Australian jurisdictions needed 'permission' to marry. And, of course, in earlier times, and still in some cultures, arranged and forced marriages were and are the norm.

It is interesting to note that in 1961 the Attorney-General at the time of the passage of the Marriage Act, Sir Garfield Barwick, said the main purpose was to:

Produce a marriage code suitable to present day Australian needs, a code which, on the one hand, paid proper regard to the antiquity and foundations of marriage as an institution, but which, on the other, resolved modern problems in a modern way.

I would argue that the bill before us today does a better job of resolving 'modern problems in a modern way' than changes that
were made to the act in 2004 which added the first-ever legal definition of marriage in Australia as:

… the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.

It is telling that, at the time that this amendment went through, the government in 2004 said:

… this definition will remove any lingering concerns that people may have the legal definition of marriage may become eroded over time.

However, of course, many of our attitudes and beliefs change over time—if you like, are 'eroded' over time. I think the very liberal Sir Garfield Barwick would have been completely disbelieving to be told that in Australia in 2012 there is a woman Prime Minister openly living in a de facto relationship without comment. My view is that once civil marriages became accepted in Australia then governments in particular lost the right to use religion based beliefs to mandate the gender of those wishing to marry.

I would like to turn to the apparently vexed question of gay married couples having children. Right now, gay de facto couples can have children, as can married and de facto heterosexual couples and some singles. So it does not make sense to me to use children as an excuse to shut gay couples out of marriage. I will agree with some Christian advocacy groups that children are best raised by two parents in a loving and stable relationship. But that is not exclusively a man and a woman. Their gender and their marital status are, to me and to millions of Australians, completely irrelevant.

I would like to share a story about two married women I knew in Melbourne more than 20 years ago. One woman had three sons, the other had two sons. They knew each other because their sons attended the same local school. Gradually, over a period of years, these two women fell in love. Eventually they left their marriages and set up home together with their five sons. One of these women told me that she had known ‘from the beginning’ that there was something wrong in her marital life. She and her husband had even consulted a priest about their problems but had been told to persevere, and she had for many years.

These two women are just one example of the many, many non-heterosexual people who marry to try to meet their family's and their community's norms. I cannot accept that those five boys were not better off with two loving, lesbian parents than continuing as the children of two loveless, unhappy marriages. And I cannot accept that those two women should not have the right to marry, if they wish.

I support marriage equality for gay, lesbian, bisexual, transgender and intersex people. I also support the right of all religions to decide, as they can and do right now, the criteria for solemnising marriages in their churches and temples. During a Senate inquiry into the many marriage equality bills, one legal centre commented:

While marriage takes various forms across many different cultures and has assorted religious histories attached to it, marriages performed by the state are civil, not religious, in nature. It is imperative that religious interests are not privileged over the rights of all citizens to nondiscrimination and to be treated equally under the law.

But it is worth noting that 63 per cent of Australians currently getting married are married by a civil celebrant. If, as I have posited, gays are 'just like us', then it would be a minority who would wish to choose a church wedding if some religious groups were to make this available. I would add that
there are already a handful of individual churches that do solemnise gay unions to the extent that is lawful.

One email that I received from Victoria thanking me for my open support of marriage equality read:

I may never wish to marry but to be told that I cannot access one of the most valued aspects of our culture says that I'm not truly a full member of that culture …

The desire to proclaim to your friends, your family and the community at large that this person is special to you beyond all measure is a very human one, regardless of whether that person is the opposite gender to you or not. No government has the mandate to declare a part of their electorate to be less than human. Gay, lesbian, bisexual, transgender and intersex people are people just like us and they deserve the same rights to choose to marry just like us.

Senator WHISH-WILSON (Tasmania) (09:45): I rise to support the Marriage Amendment Bill (No.2) 2012 and I would like to congratulate members of my party, especially Senator Hanson-Young for her leadership on this issue over a number of years and bringing this bill before parliament. It has been mentioned in debate in previous days that this may not be the last bill that we see.

I have enjoyed listening to the debate in the last few days and to people speaking from the heart. Of course there have been some speeches that I have not enjoyed; however, it has been a great opportunity to put politics aside in some senses and listen to what people really want to say. I think that is what a lot of Australian voters want to hear from their parliamentarians.

I thoroughly enjoyed listening to Senator Faulkner the other night—I even tweeted how much I enjoyed his speech, and the passion and the eloquence that he displayed on this subject. In particular, he talked about how this debate is about one simple thing—that is, governments discriminating against people. It is as simple as that: it is about discrimination. It is not necessarily about religion, sexuality or sexual behaviour; it is quite simply about governments treating all their citizens equally.

While that is obviously true, it is instructive to scratch a little below the surface and see perhaps why governments or the parliament may not pass this bill. What are the reasons behind our lack of support for same-sex marriage in this country? I will get around to that shortly but first I want to highlight the words from the very fine man whose shoes I have stepped into and perhaps let his words echo in this chamber one more time, although spoken by me.

Bob Brown spoke on the 7.30 Report last night. It is well known that Bob has been in a loving relationship with his partner Paul for some years. Bob said on Q&A just prior to his departure from federal parliament that as, a 26-year-old practising Methodist, a Christian, he used to self-administer electric shocks to try and change his sexual behaviour and desires. I know that this is something that he feels very strongly about. I would like to read Bob's words on how he sees this debate: simply, it is about leadership. Last night on the 7.30 Report with Leigh Sales, Bob said:

This is about leadership and Julia Gillard, Tony Abbott, Malcolm Turnbull, Kevin Rudd, Wayne Swan all failed that leadership test. We're in a nation where the polls show 80 per cent of young people, a majority of Christians, four out of five Labor voters, a majority of conservative voters wanted this legislation passed, but that leadership of the nation failed and the Prime Minister and Leader of the Opposition take that fair on their shoulders. They're responsible for this failure in the Parliament today.
He went on to say:

… people will remember that at the elections next year where it was the Greens who solidly stood up with the majority of Australians to get rid of this discrimination against people in marriage. And, you know, hearts are broken all over Australia today. We just saw a mother lamenting the discrimination which has been delivered by Julia Gillard and Tony Abbott against her child and partner, or potential partner, today in the Parliament. Look, it's - and Labor engineered this. They knew that if the Prime Minister were to go at the last Labor conference for a conscience vote rather than to take the lead and say, 'I am leading the country into getting rid of discrimination in marriage,' you'd get this result. The Christian lobby might be happy - they don't represent the churches or the majority of Christian voters. But it's a very poor outcome for democracy and that failure of leadership.

On the topic of leadership, my home state of Tasmania, which most people would be aware, was the last place in Australia to override laws that made homosexual behaviour illegal. Before parliament at the moment is a bill to legalise same-sex marriages and remove discrimination. I would like to say, firstly, to the Tasmanian Labor and Greens MPs who sponsored this bill—that is, Labor Premier Lara Giddings and Nick McKim—congratulations for showing that leadership and getting the bill through the lower house in Tasmania.

I would also like to say to the members of the upper house in Tasmania, the MHAs, that they had an opportunity to show leadership here and take the state forward. Aside from the very simple and important concept that we should not have discrimination anywhere in this country, let alone in the world, this is a chance to show leadership on that issue. It is no secret that Tasmania's economy needs a boost. Given the importance of tourism to our economy—it is nearly 15 per cent of the workforce in Tasmania and it is a major contributor to gross state product, and like a lot of industries it is suffering under a high dollar and a fall-off in tourism numbers—being the first state in Australia to legalise same-sex marriages would provide a significant economic opportunity for the state exactly when it is needed. We know it is not just Tasmanians thinking about this; our South Australian friends across the 'great ditch' have also identified in state parliament the potential economic boom this could bring to their state.

A recent report based on the economic stimulus from the passing of same-sex marriage bills in places such as Massachusetts in the USA has shown that the potential stimulus to the Tasmanian economy alone would be $96 million over a period of five years, creating potentially hundreds of new jobs. This is in an industry that already fits in very well with the structure of our state in the way the economy has been set up. Thousands of small businesses, including a business I used to run in Tasmania, are set up for tourism and the opportunities that it can bring to the economy. This is a totally new area; it is an area most Tasmanians agree with, as shown by looking at recent statistics on support for same-sex marriage; and it is a clear and present opportunity to stimulate our economy. I just want to highlight again that this has also been recognised by the South Australian government as an area for their economy—and potentially for the national economy if you refer to the report that has analysed economic stimulus over the rest of the world in places where these bills have been introduced. So to Tasmanian MHAs—in particular those who at this point are undecided, such as Jim Wilkinson—I say: I would urge you to take the opportunity to take Tasmania forward in terms of both social progressiveness and the opportunity that this can bring to the Tasmanian economy.
I would then like to say that based on what the media were discussing this morning in Tasmania the bill in front of parliament may not go far enough and some gay people in the state oppose the bill because they do not believe it goes far enough. I spoke to a leading advocate—one of the campaigners—this morning, and he said that is simply not true. They are not aware of who has been lobbying the MHAs and saying this bill did not go far enough. It has unanimous support from the gay community in the state, and it has been structured and delivered with consultation with the gay community in Tasmania. It is very important. If we fail in our leadership today, I would be very proud if my home state were to take leadership on this issue, pass that bill and make history.

I would like to say a little bit about myself here. I am happily married at the moment, and I hope that stays the case into the future. I have not seen much of my family in the last few months, but I have lots of gay friends. I also have lots of Christian friends. I used to be a practising Christian myself until my early 20s, and I am very comfortable with the concept of my friends and other gay people having the right to marry. It is in no way a threat to me. I am very comfortable with myself, my own sexuality and my own marriage, and I really do not understand where the push-back comes from. But I have tried to understand this issue.

In 2010, the second time I attended an Australian Christian Lobby forum in Launceston, I thanked them for inviting me as a Green candidate—because it is always important that Greens attend these events. When I attended that event in Launceston in 2010, I made it very clear to people there that I did not expect to get any votes that night. I literally came along to listen to what they had to say and to put the view of a Green candidate across. I learnt a lot from my evening with a number of local Christians. There was a stage where I was talking about banning same-sex marriage as being discriminatory, and at one stage it got fairly heated and there was lots of heckling and a bit of yelling. I had the microphone, and I said to the room, 'There's a lot of fear in this room, and that surprises me coming from Christians, since I understand love is the main basis of their faith.' After that forum, a very prominent and respected pastor, Dr Andrew Corbett, came up to me and said, 'Would you go out to breakfast with me so we can discuss this,' and I said I would love to. So we went out to breakfast a couple of weeks later, and we talked for nearly 2½ hours on this subject. I thank Andrew for taking the time to speak to me. We agreed to disagree on many things that morning, but a couple of things did become fairly clear to me.

The first thing that surprised me from my understanding, having had a Christian upbringing and having Christian friends, was that there seems to be conditional love in terms of the Bible and what it says about same-sex marriage. I would like to say that I do respect many Christians, and on this point I do disagree with them. I do not in my heart understand why you should have conditions on love, because, as Senator Xenophon pointed out so eloquently last night, there is not enough love in the world at the moment, and what we should be doing is promoting it. I know that is a subject a lot of men, particularly, are uncomfortable with talking about, but that is a simple fact. When I turn on the television at night and I look at what is going on around the world, we need more of it, and we need to encourage more of it. If sanctifying and formalising people's love for each other through marriage enhances that then personally I do not see the problem.

I think it is advantageous to the church that we are having this debate today, because I think it shows the importance of marriage
as an institution. One thing I said to Dr Corbett was that marriage as an institution is already under attack, and it is not under attack from the potential for gay people to get married. Nearly a third of all marriages end in divorce. I have had friends who have committed suicide who have come from broken marriages. One of my best mates gets depressed every time it is his birthday because that is the day his father walked out on him when he was 12. So marriage itself is something that needs to be worked at and it is an institution that I value, as Christians do, but I do not think the threat to that institution comes from same-sex marriage. It comes from our lifestyle. It comes from a whole range of things that we confront today as a society. I think it is a bit of a sideshow to say that marriage as an institution is under threat from same-sex couples getting married.

The third thing that became very obvious to me was that perhaps some Christians believe that being gay is environmental, conditional, not genetic—you are not born that way. Obviously I am not gay myself, so I cannot say for certain, but my understanding and feeling is that it is something you are born with. It is the way you are. It makes a lot of sense to me that, if you believe in compassion, you should give everyone the opportunity to be the best they can be and be accepted in society. I do believe am encouraged by some statistics we have had recently that some people in the church—some leaders in the church—are offering an olive branch on same-sex marriage and 53 per cent of Christians do support the concept of same-sex marriage.

I would say that I do believe religion is an issue, although a lot of people who oppose same-sex marriage are not religious. I accept that. There are a number of reasons I have thought of that might underpin that. But I say to the church that this is also an opportunity to show some leadership. There are a lot of statistics—one was recently sent to me by the Doctors for Marriage Equality—that show that marriage itself as an institution can have very beneficial effects on gay people in terms of their satisfaction, their health, all these things we have already discussed at length in this chamber. There is also a lot of evidence that civil unions are not as effective in preventing social issues as marriages are. I think that is going to be an important point. I think the country has moved on from civil unions. We have them in a number of states, but the country, in our opinion, has moved on, and we would like to see marriage itself as an institution proposed and supported in parliament as the way forward for same-sex marriage.

When I think back to that forum with that anger and fear that was so obvious to me, I think we have seen a really good example of that in parliament, in the Senate in the last few days with Senator Bernardi's comments. I was wondering at first whether Senator Bernardi made that up or he was speaking his views there, but I have heard before the line that potentially giving same-sex couples marriage could lead to quite extreme measures. I have heard that before, so I know that has been propagated for awhile. I do not know exactly who is propagating those lines, but it is highly offensive. In fact, I cannot imagine a more offensive thing you could say to a gay person than that giving them the right to marriage and to have equality in love is the first step towards encouraging bestiality and other extreme things. I really cannot imagine a more offensive thing you could say.

I have heard non-stop since I joined the Green party and in this chamber that the Greens are seen as being extremists and wacky. I do not think there is a better example of extremism, hatred and fear than what I heard from Senator Bernardi the other day. I hope the voters of Australia realise
that that is what you are going to get if you vote Liberal at the next election.

Opposition senators interjecting—

Senator WHISH-WILSON: Obviously I have hit a raw nerve. He is a Liberal senator. He wears your colours and he has got up in the chamber and made an extreme comment.

This has now become an international affair. I would like to read a quote from the Daily Mail and the Guardian in the UK, where it says:

Labour said his appearance at the event was 'astonishing' and accused the Tories of paying 'lip service' to equality.

… … …

A party spokesman said: 'We haven't organised this event and are not in control of who attends. 'We strongly condemn Mr Bernardi's comments which don't reflect David Cameron's or the Conservative party's viewpoint in any way.'

David Cameron was also on the record as saying:

I don't support gay marriage in spite of being a Conservative. I support gay marriage because I am a Conservative.

I would like to finish on a positive point. We have a chance to show leadership. We have a chance to show the world and our voters that we do not discriminate in our law, that everybody is the same under the law and that we value everyone and we value their love that we have for each other. That is a very important message that we need to stay focused on.

Senator STEPHENS (New South Wales) (10:05): I begin by saying I certainly believe this is a debate about national leadership. I very much believe that. The debate about same-sex marriage is about the function and purpose of the law in relation to marriage. It is not a discussion that goes to personal motivation and attitudes, as much as those supporting the bill would like it to be. Earlier this week you might recall that we debated the issue of the role of the state in the protection of the national interest in personal privacy. The state has a role to play there just as it has in this instance.

Like everybody who has spoken in this debate, I believe that every person in Australia deserves the right to have their needs met fairly and without discrimination. We have all come to this debate with values, experiences and ideals, and they have been contested across the chamber. Most people have made very worthy contributions to this debate, and I particularly want to commend Senator Dean Smith on his contribution.

I note the New South Wales government has signalled that it will introduce a similar bill into the New South Wales parliament in the event that the bill before us does not pass into law. I can only say that my experience of people contacting me from my home state of New South Wales has overwhelmingly been to ask my support for maintaining the status of marriage as it is currently defined in the act. It is significant, too, that everywhere same-sex marriage has been debated it starts with a focus on the issues of fairness, rights and justice and with majority support. But then people soon start to realise that there are deeper issues involved.

We have heard many claims, including the claims this morning, in the debate that the current law unfairly singles out people in same-sex relationships by not allowing them to have the same status as people who are married. That this is a denial of a 'right' that perpetuates discrimination, homophobia and depression is simply not true. What is true is that prejudice, fear and discrimination are not the results of the absence of legislation. They exist, despite the fact that the federal law in Australia has already been changed to give same-sex partners the same legal rights as those who are married and, as we have heard this morning, an increasing number of
states to register their unions. There were 84 pieces of legislation amended in 2008. The Marriage Act is the only remaining piece of legislation, so that is not an issue of substantive discrimination. The remaining issue is, as I said, the definition of marriage.

Changing the law so that marriage includes same-sex unions would be a change to what marriage means to society. Marriage has a place in the law because a relationship between a man and a woman is the kind of relationship that may produce children. That is why marriage is linked to children; it is for the sake of children, protecting their identity and their care by their parents. The state would have no interest in the permanence and exclusivity of marriage if it were not for the fact that marriage may produce children.

I have spoken here, in the past, about the challenges that the use of reproductive technology, in separating reproduction from the biological relationship between a woman and a man, has created. In that situation, the law determines a child's parents if circumstances arise that might create any ambiguity. There are people in this chamber who have had personal experience of that. And, of course, I acknowledge these days that there are many different kinds of households who nurturing children, including those that could only have occurred through the use of reproductive technologies. We have heard passionate stories about them in this debate.

In all circumstances where children are nurtured, it is the state that has an ultimate in loco parentis interest in the welfare of children. It is for that reason that the state is involved in legislating to ensure the identity and status of children. In the same way, the state has an interest in marriage because the relationship between a man and a woman is capable of generating children. The state has an interest in the exclusiveness and the permanency of marriage because it needs to protect the identity and status of any children who result from the marriage, in the first instance, and to preserve their rights to know and to have access to both biological parents. The state supports marriage because children may result from it, and the state lacks a reason to legislate to promote relationships that do not produce children. So altering the definition of marriage to include relationships that are not the kind of relationship to generate children removes the primary basis and justification for the state's interest in marriage.

If children happen to be in a same-sex household, nothing actually alters the fact that they will always have come from outside that relationship, as loving as it may be, either through an earlier relationship or through the use of some other biological parent or some technology. If the law were to be changed so that marriage included same-sex relationships, then marriage would no longer be about children. It would be about adults only. That is the passionate argument that we have been hearing from people on both sides of the debate. It would be about putting the desires and wants of adults above the needs, wants and interests of children.

Through the state, society discourages married people from failing their obligations to each other and, hence, to their children, through property settlement requirements and child support arrangements, and it monitors these. The state records the births of children, the deaths of their natural parents and marital dissolution, all in the best interests of children. Similarly, the state tracks the complexities of assisted reproductive technology, the use of donors and surrogates, again for the sake of children.

I know that emotions run very, very high in this debate. I know that the senators who
have spoken so passionately and personally about their desire for marriage equality are very genuine in their relationships and in their advocacy for change. My personal view, however, is that the traditional concept of marriage is consistently found across cultures throughout history. Marriage has always been understood in every society throughout recorded human history as being between a man and a woman. These arguments are not negated by marriage breakdown, the early death of a parent, the adoption of children, de facto relationships or the practice of step-parenting. We all acknowledge that we do not live in a perfect world, but, frankly, tragedy just does not justify the redefinition of marriage.

Gay couples in New South Wales, Victoria, Tasmania and the ACT are able to register their same-sex partnerships on a relationships register that provides public recognition and affirmation of their relationships. The move for same-sex marriage is therefore largely ideological because, as Senator Smith said: 'The right is to have our relationship recognised, the right is not to marriage.' No-one is done a real injustice when we positively honour and uphold marriage as it is currently understood. In a liberal democracy, people can form other types of relationships; but 'marriage' is a term reserved for a particular kind of relationship that brings with it obligations to people beyond the two parties. No-one is disadvantaged when a society retains a distinctive name for these lifelong, faithful, exclusive and potentially procreative relationships between men and women.

I have to say, though, that the drafters of the bill go to lengths to explain that this bill protects religious freedom by permitting a minister of religion, a person authorised under a state or territory law or a marriage celebrant to perform a marriage between same-sex couples and will permit that marriage to be recognised in Australian law. They want us to know that amendments to section 47 of the act will reinforce the existing provisions that ensure that a minister of religion is under no obligation to solemnise a marriage where the parties to that marriage are of the same sex. Frankly, that completely misunderstands the concerns of those seeking to support the status quo. The ethical considerations, the rights of children and the support for societal institutions provide the basis of genuine concerns about the consequences of such a bill passing into law.

While those who support the bill have accused people like me of discrimination, of cowardice and of homophobia, there continue to be community concerns about the notion of same-sex marriage and I am happy to represent those concerns in this debate. There are though sociological, anthropological, historical and bioethical issues at play here. These are all as legitimate as the spiritual and religious arguments that we have heard through the debate. I will not be supporting the bill.

Senator HUMPHRIES (Australian Capital Territory) (10:15): I want to start by addressing the very unfortunate comments of Senator Whish-Wilson in this debate where he attempted to attribute the comments the other night of Senator Bernardi to the Liberal Party as a whole. I would have thought it was extremely obvious with what has happened in the last 24 hours that Senator Bernardi did not speak for the Liberal Party when it came to this legislation. So for Senator Whish-Wilson to in some way suggest that a vote for the Liberal Party represents a vote for the comments made by Senator Bernardi is disingenuous in the extreme.

I have three reasons to oppose this legislation but there is one reason that I am
not opposed to this legislation. That is one ground I do not rely upon to oppose this legislation. I do not oppose it on the basis of some personal view about the appropriateness or otherwise of a same-sex relationship, whether acknowledged in the law or not. Like I think everybody in this place, I have gay friends and acquaintances. In the past I have employed gay members of staff. Nothing that I say in the course of this debate should be taken as a reflection on the value of their relationships. I rejoice that I live in a liberal democratic country where people have the freedom to make choices about their lifestyles and, as a small as well as large 'L' liberal, I wish that it will ever be so. That freedom is very important. But it has been said in this debate—both today and previously, and I heard Senator Stephens make this point—that the question here is not about the recognition at law of a same-sex relationship, the question is whether that ought to be elevated to the point of marriage.

It may surprise some advocates for this legislation that not all gay people believe that same-sex marriage is necessary for them to feel validated in their relationships. The arguments I put for my opposition to this legislation are, firstly, I am concerned about the legal confusion that remains as the basis for this legislation. I sat through at least part of the inquiry into the legislation through the Senate Legal and Constitutional Affairs Legislation Committee as its deputy chair. I asked a number of witnesses with a legal background what was the constitutional basis on which the federal parliament might legislate for marriage.

Of course, the argument here is that in 1900, when the Constitution was put together, no doubt the men in beards who largely were responsible for that process would have assumed without even thinking about it that the Commonwealth power in section 51 of the Constitution over marriage was a power over the marriage of a man and a woman. So the question arises as to whether, if this concept has changed now to something other than the marriage of a man and a woman, the Constitution still confers power on the Commonwealth to make such a law. I am not only one raising this legal confusion at the present time. I see that a number of state parliaments have been entertaining legislation to enact laws with respect to same-sex marriage. Clearly at least in their view there is an argument that that power does not belong to the Commonwealth. The Gilbert and Tobin Centre of Public Law, in the course of the inquiry, said that the case for the Commonwealth having the power to legislate for same-sex marriage was arguable but subject to some doubt. Other witnesses said flatly that there was no power for the Commonwealth to do this.

Normally if the Commonwealth proceeds to enact a law which is proven subsequently not to be well based constitutionally, the consequences can be messy but not irretrievable. When the Malaysian solution was struck down by the High Court, the greatest harm that was done was to the pride of the minister and, with respect, not much else flowed from that fact.

But in this case there is a very different set of circumstances that arise because if people undertake the act of being married under a law of the Commonwealth which is subsequently found not to be a valid law those marriages obviously fail. I think it is unacceptable for the Commonwealth to put people in the position of undertaking a ceremony of marriage when we do not know whether that act is in fact underpinned by the law of the land. This matter could be resolved by an amendment to the Constitution and I would invite those who advocate for same-sex marriage to consider proposing such an amendment to make it
clear that that power exists. But in the meantime it is unsafe to pass legislation which may not survive challenge in the High Court because of the implications for those who undertake the ceremony believing that they may have a legal right to undertake a marriage.

The second point is one that has been picked up by earlier comments, that we are now dealing only with the symbolism of this relationship, not with the substance of rights. For many centuries the church administered marriage and the church conferred rights on people by virtue of their decision to marry each other. In recent centuries the state became involved because it saw that some people were being denied rights that could only be conferred by marriage, and a state version of marriage was enacted. In much more recent years the state has decided to remove the special attributes and rights that are attributable to a marriage and confer them on other sorts of relationships, such as people in de facto heterosexual relationships and, indeed, other forms of relationships including same-sex relationships.

I asked witnesses before the Senate inquiry if they could identify any rights which a person in a same-sex relationship did not enjoy today with respect to such things as superannuation or anything else that were enjoyed by a person in a married relationship and the witnesses indicated they needed to take the question on notice to go and find something that they considered might not put people in the same position. In fact, substantively we have removed discrimination on that basis. So the only thing that remains is the symbolism of the title 'marriage'. I believe that the state should now return that institution back to religion, back to the churches who administer it. If the state wants to sanctify or sanction or give special status to other relationships, it should find another term for that. It should leave marriage in the purview of the church, or religion to be more precise, where it belonged for at least a millennium.

Finally, I want to address an issue which has been raised in the course of the debate particularly by the Greens. It is the criticism of the fact that the coalition has not afforded members and senators a conscience vote on this issue. I want to remind senators that until a few months ago it was the position of both major parties — perhaps it was the position of the Greens as well; I am not entirely sure — that there should be a party position on this issue to which every elected member of that party had to subscribe by virtue of being a parliamentary representative of that party. From 2003 at least, I think, that was the position of the Australian Labor Party. At the last election every member of the Labor Party stood for election on the basis that they were using their vote in the federal parliament to ensure that a traditional definition of marriage, as between a man and a woman, would remain.

I accept the Labor Party has changed its position. I regret that on reasons of keeping faith with the electors but that is a matter for them. But I do not wear criticism from the Australian Greens about that matter because I believe that if the Labor Party imposed a party line on this matter and did not allow a conscience vote in all likelihood the position of the Australian Labor Party would be that they would support unanimously — so every man and every woman in the parliamentary party would be voting in favour of — same-sex marriage, because that clearly is the majority viewpoint within the Australian Labor Party. It was reportedly only the intervention of the Prime Minister at the Labor Party conference earlier this year, which was heading towards a party line in favour of same-sex marriage, that prevented the party having that position. If the Labor Party had had a position in favour of same-
sex marriage and every member had had to support that position, would the Greens have been complaining about that? I very much doubt it, because it would have delivered them the numbers to pass this bill. They would have been very happy with that position. They are unhappy about the fact that the coalition does not have a conscience vote because the Labor Party does have it, and it does not give them the numbers to pass this legislation, so it is as simple as that.

I am comfortable standing behind the position that I took to the last election and I note that of all the members that the ACT elected to the federal parliament, all of whom said at the election that they would oppose same-sex marriage, I am the only one who still holds to the position that I took to the electorate and I believe this reflects what is an appropriate compact with the people of the ACT from that election. I urge the Senate to reject this legislation.

Senator MADIGAN (Victoria) (10:28): I would like to make clear from the start that marriage between a man and a woman is a unique social institution. It is in essence different from a same-sex union. Redefining marriage to include same-sex unions is to completely empty the concept of marriage of any real meaning. Marriage has been understood throughout history and until now in Australian law as protecting the commitment of a man and a woman to live exclusively and permanently as husband and wife and, more importantly, to protect the children of that relationship.

This reflects the view of marriage not only in Western society but across societies and cultures of the whole of recorded human history. Whilst some ancient civilisations acknowledged homosexual activity, they did not pretend it was marriage. Marriage remained the union of a man and a woman. It has been suggested that the law as it stands is unjust in discriminating against same-sex couples by not allowing them to marry. If instead of marriage we use an example of a more recent institution, democracy, would it be suggested that the law as it stands is unjust in discriminating against non-Australians by not allowing them to participate in federal elections? Are non-Australians the same as Australians: human beings with equal worth? Of course they are, but they cannot stand for parliament. Are non-Australians less capable of choosing an elected representative? No, certainly not, but they cannot vote in elections. Do non-Australians have less desire for the principles of freedom or justice? No; they often desire that more than we do, but they cannot serve in our defence forces or on juries.

We have laws and rules determining under what conditions someone can participate in our democratic procedures, and upholding those principles is not discriminatory to non-Australians. To do otherwise, to change the most fundamental rule that non-Australians cannot fully participate in our democracy, would be to destabilise our democratic system, and the term ‘democracy’ would eventually become worthless—in fact, meaningless. That is what is happening to marriage. The very basis of the institution is threatened with becoming meaningless by changing its most fundamental rule that marriage is between a man and a woman.

It may appear to be unjust to discriminate against people on the basis of age, religion, race or sex, but there are many circumstances in which we do discriminate, and quite logically. Age is relevant when it comes to drinking or driving or buying cigarettes. Age and, as mentioned already, citizenship are relevant when voting or when claiming a pension. Sex is obviously relevant in targeting particular healthcare programs such as breast or prostate cancer. Race is relevant when administering programs to
promote the interests of Indigenous people, and gender is relevant when determining marriage.

Whilst I believe that all human beings should be treated justly and with dignity, it is not discrimination to maintain that marriage is between a man and a woman. It is simple recognition of the unique character of that relationship. It is an insult to suggest, as some have done in the context of this debate, that those Australians who support the traditional understanding of marriage are guilty of a prejudice similar to racism. I am offended by the slurs that have been aimed at some fellow parliamentarians simply because they, like me, do not accept the arguments of those who support this bill. I am as offended as those same accusers would be by accusations that their support for this bill is less about love and quality and more about the deliberate undermining of our social structure. The suggestions that by upholding the timeless institution of marriage we are somehow bigoted and narrow-minded is the epitome of the expression, 'The pot calling the kettle black.'

I am appalled at the vilification of individuals simply because they have expressed the opinion that they are entitled to express under our democratic beliefs. Senators Joyce and Boswell, as well as Joe de Bruyn of the SDA and others are attacked because they stand fast in the defence of their principles. Under the guise of compassion for the desires of same-sex couples, we have endured a non-stop campaign of denigration against those who have refused to buckle under the weight of an attack designed to pour scorn and guilt on those who have the temerity to refuse to deny their principles. An expression or, more rightly, a principle we have all heard in the defence of freedom of speech, often from the Left, is that 'while I may disapprove of what you say, I will defend to the death your right to say it'. In this debate I have heard Senator Joyce defending that principle and I have heard Senator Boswell defending those rights. I heard Senator Abetz defending those values with a dignity that should be a lesson to many here. While they and others will fervently dispute the position of those supporting this bill, they would just as surely fight to the death for your right to say it.

What do they receive in return for their steadfast position? Reasoned debate? Respect for their rights? No. They receive vilification, venom and the vilest accusations against their characters. Their statements are twisted or distorted. Is this what we should expect in this chamber even in a debate as passionate as this? If the argument for same-sex marriage is based on love and respect, dignity and equality, then may I suggest that some of those proposing that we accept this bill need to practice a bit more of what they are claiming to preach.

Retaining the definition of marriage as it now stands in the Marriage Act is not unjust, nor is it unfair discrimination. It is a requirement of justice and the common good that we treat different cases differently. Marriage between a man and a woman is different from other relationships. It is a unique relationship which involves a commitment of the spouses to pledge permanence and exclusivity to each other and which has a special link to children. It is different from friendship. Marriage is different from same-sex unions because no matter how we define marriage, children can only come into existence with the genetic material from a man and a woman. Children can only naturally come into the world from the union of a man and a woman; in any other circumstances, the procreation of children has to be artificially engineered. No other kind of relationship, including relationships between same-sex couples, siblings, close friends, parents and children
and so on can be described as marriage because, unlike marriage, they are not unitive and procreative in their very nature.

The second point I would like to make is that love is not and should not be a basis for any legislation. Slogans such as 'equal love' and 'love does not discriminate' are based on a sentimentality that has little to do with love. Marriage, in the legal sense, is not about recognising love. Nowhere in the Marriage Act is the word love even mentioned. The reason the state is involved in marriage is because it is a partnership with social consequences. Marriage is less about the rights of adults than about the rights and responsibilities those adults have towards children of the relationship. While love is not mentioned in the Marriage Act a substantial section is devoted to the legitimation of children.

A more traditional understanding of love is about responsibility. Augustine of Hippo spoke of love being an 'act of the will'. Love is what kicks in when infatuation fades. It is about getting on with the real business of love which involves duty to others. Love is what does the hard yards when the rosiness of infatuation fails. Unfortunately, marriage, as highlighted in popular media, focuses unrealistically on the romantic aspects and has allowed the shedding of its many obligations. The result is that marriage has been reduced to little more than banal sentimentality.

If love is the only criteria, then the sexual orientation of the two people in the relationship is irrelevant. It is not the role of the state to legislate for love. It cannot be measured; it cannot be enforced. If marriage is just about love or if it is about love together with sexual expression then it cannot be limited to a man and a woman. Two men or two women might love each other, or any number. A combination of men and women may love each other, as in polygamous and polyamorous unions. These permutations and combinations are not marriage. Using love and sex to define marriage reduces marriage to an ambiguous relationship which can mean whatever the parties choose it to mean. This sort of ambiguity leads to confusion and instability. Is this the path we wish for our society?

The current Marriage Act is not concerned with love; it is concerned with responsibilities. No responsibility is more serious than the responsibility for children. When considering marriage, the wellbeing of children should be front and centre. Marriage between a man and a woman protects the rights of children. It respects the right of children to know and live in a relationship with both their biological mother and father. Marriage between a man and a woman provides children with access to their genetic, social and cultural heritage.

While the situation of individual marriages may not always be ideal, children have the best opportunities when they are raised by married biological parents. Yes, there are numerous examples of childless marriages or marriages that end in separation as well as the numerous single parent families in our society today. However, none of these started with the premise that a child would be conceived, be born and grow in the absence of one or both biological parents. The same cannot be said for same-sex relationships. Same-sex relationships undermine the rights of the child to know its biological identity and to form relationships with its biological parents. They deny a child the right to know its mother and its father. Raising children in a same-sex relationship is a recent phenomenon, and we do not know the future consequences for the individual or for society. I believe this is a matter of serious social concern and we ought to err on
the side of caution rather than launch the greatest social experiment of our time.

Same-sex unions are far from being the sole contributors to the phenomenon of surrogacy, but the legalisation of same-sex marriage will almost inevitably increase the recourse to surrogacy. Surrogacy is another means of denying the child its rights to its biological, cultural and social heritage. Equally disturbing is the recruiting of poor women in countries such as India to act as surrogate mothers for First World couples. The horrors that some of these women face were outlined in a recent article in the Age newspaper. Such practices exploit poor and vulnerable women and create a class of culturally and biologically displaced children.

The proposed changes to the Marriage Act are an inversion of the purpose of the state sanctioning marriage as a means of protecting children. The introduction of same-sex marriage will make adults rather than children the focus of the legislation. The focus will be on the desires of adults and children will be reduced to chattels. What I suggest is that the proposed changes to the Marriage Act are less to do with sanctioning love, but rather a massive social experiment.

In the recent past, marriage was often used as a vehicle for ideological and social manipulation. Communist nations denounced marriage as a bourgeois institution for the oppression of women and children. Those attempts may have gained short-lived success—under duress—but ultimately failed. However, what those regimes hoped was that by manipulating and distorting the concept of marriage they could shape society in a manner reflecting their respective ideologies. To destroy or distort marriage was to destroy the moral and social obligations incumbent upon raising a family and thereby to destroy the very nature of society.

We now see marriage again recruited at the service of propaganda. Moves for same-sex marriage are not about recognising equal love—that is not the purpose of the Marriage Act. They are about suggesting that same-sex relationships are the same as heterosexual relationships. We can delude ourselves into believing many things, but our delusions should not be allowed to shape reality. The reality is that marriage, as traditionally understood for centuries across all cultures, can only be between a man and a woman.

I will conclude as I began—that is, to restate that marriage is between a man and a woman to the exclusion of all others, with a focus on responsibility for the raising of children. To define marriage in any other way is to undermine those who have lived these ideals and to betray the fundamental right of children to know and live with their biological parents. As such I will not be supporting the Marriage Amendment Bill (No. 2) Bill 2012.

Senator THORP (Tasmania) (10:44): Equality before the law is surely a fundamental tenet of any great society—a society where every citizen feels truly valued and respected, where every member of our community is able to go about their day today lives in the comfort and knowledge that they are looked upon no less than any other person because of inherent traits of their humanity; a society that promotes social cohesion and justice for all.

Governments, parliaments and courts should never be in the business of denying citizens their basic right to be treated equally among their peers. The struggle for equal rights, for full recognition of citizenship and to wipe out the scourge of discrimination has never been an easy one. Every milestone that has been reached has come with bitter
opposition. More often than not several attempts to remove discrimination have had to be made before change has come about. The entrenched forces of the status quo are often hard to weed out and it takes community campaigns and dedicated crusaders many years to realise the outcome of their cause.

In 1902 Australia become only the second country in the world to grant women the right to vote at a national level and the first to allow women to stand for parliament. At the time much of the opposition to this change centred on the fear that a happily married man would be effectively given two votes—that of his own and that of his wife. After all, a woman could not be expected to show an understanding or appreciation of such important matters as voting. No, she could be expected to dutifully follow the instructions of her husband. Many feared this would put single men at a disadvantage.

Yet at the same time that enfranchisement was expanded to women, it was specifically removed for indigenous Australians and those citizens with Asian, African or Pacific Islander background with the exception of Maori people. The legendary Tasmanian politician King O’Malley reasoned at the time:

An Aboriginal is not as intelligent as a Maori. There is no scientific evidence that he is a human being at all.

We have seen great strides forward since that time. In the last 110 years our nation has removed discrimination and equalised our laws in many fields. We have repeatedly risen to the challenge and resolved debates that posed many questions about our core values and the manner in which we organise our society. Many of these changes overturned thousands of years of doctrine that ran to the bedrock of the foundations of our society. Today too many of us take these cherished rights for granted. For example, in 1907 the judgement that established the right to a basic wage was handed down. In 1946 the Australian people voted in a referendum to allow the Commonwealth to grant through legislation a basic set of economic rights—that the sick, the elderly, the infirm, the unemployed, war veterans and widows should not be forced to live in poverty due to circumstances out of their control.

We also played a significant role in the international development of human rights. In 1967, just 45 years ago, we finally decided to right a heinous wrong and treat our native populations as human beings with the full right of citizenship. It took us 66 years of Federation to recognise their connection to country that had been evident enough to them for more than 40,000 years. Then, like today, popular opinion was overwhelmingly on the side of change. Indeed, if anything, the change in public opinion forced political decision makers to catch up.

In 1972 we signed the International Covenant on Civil and Political Rights. In 1975 Australia ratified the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The Whitlam government successfully passed the Racial Discrimination Act, a piece of legislation that received bitter resistance then, and it would appear there are some, even to this day, even in this parliament, who would like to see it revoked.

In 1981 we established the first Australian Human Rights Commission. In 1983 we ratified the Convention on the Elimination of All Forms of Discrimination Against Women and in 1984 we passed the Federal Sex Discrimination Act. In 1991 Australia adopted the First Operational Protocol to the Covenant on Civil and Political Rights, which granted individuals a right to
complain directly to the UN Human Rights Committee if they believed their rights had been violated. The first Australian to do so was a Tasmanian, Nick Toonen. The United Nations Human Rights committee ultimately agreed with his complaint that Tasmania's criminal code violated his right to privacy by criminalizing his sexual preference. In 1992 we passed the Disability Discrimination Act and appointed a Disability Discrimination Commissioner.

Today we are considering yet again whether we should remain in the past and continue to practice discrimination against those in our community who we deny the right to marry. Do we continue to discriminate simply because it has until now been that way, or do we open our hearts and support yet another change in our laws to promote equality, tolerance and respect—another step towards a fully inclusive society that we can all be proud of? I can find no logical argument for continuing to impose legislative discrimination specifically to deny the human rights of our fellow citizens.

Denying marriage equality is discrimination, plain and simple. There is no way around this basic truth and it must end. I implore the Senate to look at our history of adaptation and change and to grant and not deny our fellow citizens their rights.

Senator RONALDSON (Victoria) (10:50): This debate is not about the right to love or the right to be loved, because both rights are undeniable and irrevocable. The debate is about the definition of 'marriage' under the Marriage Act. I strongly believe that marriage is between a man and a woman and I strongly believe that the definition under the Marriage Act should not be changed. I oppose this bill.

Senator FURNER (Queensland) (10:51): I rise today to speak against the Marriage Amendment Bill (No. 2) 2012 and I do so in support of the Prime Minister's position in opposing any changes to the Marriage Act and to reiterate her position when she was quoted as saying:

My position flows from my strong conviction that the institution of marriage has come to have a particular meaning and standing in our culture and nation and should continue unchanged.

During the debate and leading up to the debate I have listened to the opinions and the delivery of responses to the opinions of people, whether they be pro equal marriage or opposed to it, and it disturbs me that some of those views and opinions have been expressed and stereotyped in a sickening manner towards people whether they are pro or anti equal marriage.

When it comes to stereotyping I also use as an example the issues associated with the rallies in Sydney recently where people turned to stereotype Muslims who were involved in those rallies. Not every Muslim in this country is a terrorist or an activist or is involved in that sort of activity. As a government we have certainly condemned the actions of those extremists involved in those particular rallies in Sydney recently, and I would think that we are mature enough as a government to recognise and respect the views of everyone who has a position and an opinion when it comes to marriage equality. Once again, regardless of whether those opinions are in support of marriage equality or against marriage equality, we should respect those opinions.

Consultation started on this issue last year when a motion was put in the lower house that people should go out into their communities and consult widely with people from a range of areas—churches, the public, organisations et cetera—about this particular issue of marriage equality. Although that was not a motion that was binding on the Senate, I took it upon myself to do that. As I travelled around my five duty seats and
beyond, I found a wide range of views, and I would suggest that overwhelmingly those views were against marriage equality and supported the true condition of marriage between a man and a woman.

In fact, because I have a strong relationship with the Muslim community in Brisbane, I met with a number of Muslims and I attended a mosque and spoke to the leaders there. Just recently I received an email from Imam Yusuf Peer, the chairperson of the Council of Imams in Queensland. He says:

Emphatically, Islam forbids same sex marriage and regards it as a violation of the commands of God.

Marriage is universally known to be between a man and a woman, not between a man and a man or between a woman and a woman. Marriage in Islam, as in all divine religions, does not mean sexual enjoyment only but also the establishment of a family on hygienic and safe foundations.

Sexual and reproductive acts are exclusive to the two parties who come together in holy matrimony, and therefore Same-Sex marriage is not considered legal in Islam.

So when we hear proponents, whether for or against same-sex marriage, relating this to Christianity, unfortunately they are wrong—it relates beyond Christianity to other religions in our society.

Throughout the debate on this legislation there has been an assertion that there is discrimination against sexual orientation and gender identity. In fact, some states have discrimination laws stating these attributes are protected. Opposing same-sex marriage is not an exercise in discrimination nor is it a hurtful belief. If people have genuine beliefs as to what marriage is and its role in the regeneration of society, the people holding these beliefs should not be subject to accusations of discrimination and homophobia. I actually went to the online dictionary and looked up the definition of homophobia, and it states 'intense hatred or fear of homosexuals or homosexuality'.

I personally—and I am sure this is the same for every senator and every member in this parliament—do not hate or fear gay people, lesbians or people who are involved in their choice. It disturbs me that people label those who hold the opinion that marriage is between a man and a woman as being homophobic—because we are not. I do not fear gay people and I do not hate them. I think they are people just like you and me. They have a choice as to what their desire is in relation to their sexual orientation. That is their choice and that should be respected.

As a prior union official I dealt with many discrimination cases in my nearly 20 years of looking after members' interests. Throughout my career I dealt with many matters of discrimination, including sexual discrimination, sexual harassment and discrimination on the grounds of matrimony and race. One case I recall that relates to this particular issue was when a gay man working for an airline company approached me with concerns and his fellow workmates were also concerned about his treatment in the workplace. I made the suggestion that they should firstly raise it with their management and try to reach a solution in that manner, as a disputes procedure in most awards and agreements apply. They tried that and it did not work. So it then became apparent that the only way to fix this was to have the dispute escalated and have some involvement with the union.

I personally got involved with that dispute. It was a difficult dispute because it was union member against member. The union member who was discriminating against the gay man was also a member of the same union. Nevertheless, on the right side of law—that is, protecting those who are discriminated against—we found ourselves
in a situation where we were defending the gay man and not the supervisor who was discriminating against him. In the end the supervisor was relieved of his position as a supervisor in that company and the dispute was resolved.

I will not cover some of the commentary that has already been dealt with. Senator Madigan spoke about discrimination in other forms. There are many, and I am familiar with those in the Queensland Anti-Discrimination Act as well.

The other point I wanted to turn to was human rights. I have heard—though have not been convinced—that proponents of same-sex marriage believe this is a human rights issue. In fact, Father Frank Brennan, AO, former chairman of the National Human Rights Consultative Committee and an expert on discrimination, made reference to the International Covenant on Civil and Political Rights 1966, which came into effect in Australia on 13 November 1980. Article 23 of the ICCPR provides that:

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

The European Court of Human Rights has, in the past three years, twice stated that there is no human rights for same-sex marriage.

Father Frank Brennan has also written:

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

He also says:

I believe our parliamentarians should maintain this distinction, for the good of future children, while ensuring equal treatment for same sex couples through the legal recognition of civil unions.

In considering whether to advocate a change to the definition of marriage, citizens need to consider not only the right of same sex couples to equality but even more so the rights of future children.

The State has an interest in privileging group units in society which are likely to enhance the prospects that future children will continue to be born with a known biological father and a known biological mother who in the best of circumstances will be able to nurture and educate them.

That is why there is a relevant distinction to draw between a commitment between a same sex couple to establish a group unit in society and a commitment of a man and a woman to marry and found a family.

I think we can ensure non-discrimination against same sex couples while at the same time maintaining a commitment to children of future generations being born of and being reared by a father and a mother. To date, international human rights law has appreciated this rational distinction.

So, I have not been convinced on the arguments that same-sex marriage should change as it currently stands, and I still hold a fundamental view that the institution of marriage should be between a man and a woman.

**Senator WILLIAMS** (New South Wales—Nationals Whip in the Senate) (11:02): I will be brief in my address on the Marriage Amendment Bill (No. 2) 2012. I realise that this is a sensitive issue. We have
heard all sides of the debate for a long period of time now in the Senate this week.

I will not be supporting this legislation. I believe that a marriage is between a man and a woman, and I say that on grounds referring to Senator Furner's remarks. I believe that marriage is a sacrament of the Christian faith; but not only of Christianity—there are also the Jewish and Islamic faiths, as Senator Furner said.

I support, totally, equal rights for same-sex couples. We have had politicians who have a same-sex partner, and those partners deserve the same entitlements as my wife. I believe that when it comes to separations, distribution of assets and superannuation that they should be treated equally. That is certainly the case in Australia. However, I do believe that marriage is between a man and a woman, and I will not be supporting the legislation.

Senator KIM CARR (Victoria—Minister for Human Services) (11:03): I will be supporting the Marriage Amendment Bill (No. 2) 2012 that is before the Senate. I will not speak at length; I think that all of us here appreciate the fact that this bill will fail. I think that this is essentially the direct result of the conscience vote that has been applied to only one side of the chamber.

Some in this chamber may see this as a second-order issue. Some will say that blue-collar people are not interested in these moral issues. I disagree. Similar things were once said about the apology to the Stolen Generations. However, once the apology was made it became a defining moment in the history of the 42nd Parliament. In that case, Labor saw the need and Labor acted. It highlights the fact that in the great public debates, attitudes change.

So let me explain the context in which I approach this bill. I take the view that our party has been involved in Australian parliamentary politics now for over 120 years. Throughout that time we have relied upon a fundamental premise of operations. That was summed up by one of Labor's earliest parliamentary representatives, George Black, when he talked about Labor's role as being 'the making and the unmaking of social conditions'. I know there is a view in some quarters that the same-sex marriage campaign is part of some elaborate left-wing plot to shake the foundations of capitalist society. It is argued that the legal recognition of same-sex marriage will undermine the family and social morality. I just do not share that anxiety. And, frankly, I do not think that the Left is that clever, to actually pursue these grand conspiracies!

This is a bill that involves the redefinition of the role of a secular institution—that is, the state regulated institution of marriage. It does not involve any issue of religious freedom. It is about the decision of the state to recognise the decisions of individuals to participate in that secular institution.

When it comes to morality, no-one in this place has a monopoly. The concept of role models has been given particular emphasis in the debate around this bill and these issues. But, of course, there is no monopoly—not only in terms of morality but on when it comes to making the perfect family, making the perfect parent or making the perfect citizen. And we certainly cannot legislate for perfection in human relationships.

Times will change and cultural mores will change. What I am certain of is that social institutions will adapt, as they have throughout human history. Marriage as a social institution has changed dramatically over time—on questions of race, for instance, and on questions of age. Similarly, the state's attitude to marriage has changed. We no longer allow the marriage of 12-year-olds and, of course, we no longer sanction
violence in marriage. It takes a particularly ahistorical amnesia to ignore the march of progress.

However, while society is constantly changing, there are values that, in my judgement, endure. In the 18th century the proponents of the Enlightenment argued that human rights were inalienable. In modern political theory it is affirmed that the state does not grant human rights but has the task of preserving them and that a state that does not fulfil its responsibilities is rightly ostracised. One of the lasting legacies of the Enlightenment has been the seminal documents of modern political thought—for instance, the Bill of Rights penned in 1789. It has long impressed me that in the 18th century political leaders, such as Thomas Jefferson, had the greatness to see the pursuit of human happiness as a self-evident truth. These are sentiments that to my mind are as relevant today as they were in the 18th century.

If the pursuit of human happiness was a legitimate aspiration of the state back then, surely we can have the wit and wisdom to see that the same principle should be pursued in matters such as the state regulation of marriage. For me, parliament should be the place from where we contribute to the building of a society in which all are equal and in which diversity is respected, a society in which citizens have equal rights and responsibilities. There is a special role for Labor in this mission. While we have no franchise on ethical behaviour, Labor does have a responsibility to defend civil rights. It can be said that Labor has not always fulfilled its responsibilities—and when we have done so we have let this country down as a consequence. When Labor does not speak, the voiceless go unheard. When Labor does not act, the friendless suffer the most. Our history affirms this to be so. Whatever our failings on this matter, though, Labor does have a great history of extending social and human rights.

At the ALP National Conference in December last year I supported the national platform change on this matter. A month ago I reaffirmed my position to the relevant policy committee of the Victorian branch of the ALP on this matter. I made the following point, which I wish to reiterate here today:

Labor has a strong record in progressing the cause of the excluded, the marginalised and the vulnerable, dating back to the earliest days of our movement.

Labor legislated against discrimination on the basis of race, disability, age or sex. That legacy has continued in the life of this government, through 84 pieces of legislation.

I digress here. I think we should acknowledge the extraordinary work of Robert McClelland in that achievement. I went on to say:

This great Labor tradition—our efforts to end discrimination in our workplaces, in our communities and in our homes—I believe extends to marriage.

I will therefore be supporting this bill.

**Senator CORMANN (Western Australia)**

(11:11): I rise to make a brief contribution to this debate on the Marriage Amendment Bill (No. 2) 2012. I would like to place on record my views on this bill and all the other bills currently before the parliament seeking to change the definition of marriage. In short, I strongly support the coalition position that marriage is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.

Marriage is an institution. It is an institution with a special status in the context of our very longstanding societal values. It is the institution in our society which provides the framework for the creation and nurture of children. I want to place on record that I support the view that children deserve to
have the opportunity, all other things being equal, to grow up with both a mother and a father. I understand that not everybody shares that view, but certainly that is very much my view and it is a view which informs my judgement in relation to bills like the one we are debating here today.

Back in 2004 the coalition enshrined in the Marriage Act the definition of marriage, as it has always been understood for time immemorial, as a union between a man and a woman. That is a position we have reconfirmed in the lead-up to every election since, as did the current government at successive elections. I understand that there is a diversity of views on this issue across the community. I very much respect those members of the government who, in the context of what has been a pretty robust debate, have actually stood up for what they believe in when it comes to the importance of maintaining the value and the definition of marriage as it is currently enshrined in our legislation.

With those few words, consistent with my commitment to keep my comments on this particular piece of legislation brief, I reconfirm that I am opposed to this bill or any other bill currently before the parliament which seeks to change the definition of marriage. I very strongly support the definition of marriage as it stands.

Some of those relationships are private matters between the individuals concerned, and I tolerate them in so much as people have a free will to enter such relationships as they choose. But it does not mean that I have to accept or support those relationships.

Legislating to change the definition of marriage cannot and will not change my long-held beliefs. Nor will it change the views of many others who share my views. To decry my views is to seek to discriminate against me and my beliefs. I utterly reject the offensive language of some of those supporting the bill that people who share my views are ‘discriminatory’ or ‘homophobic’. This is absolute nonsense of the first order and is a desperate resort to try and isolate those who do not share their views.

It is patently wrong to say that those in same-sex relationships are being discriminated against. Even within the context of international conventions and Australian law, there are no grounds to say that same-sex couples are being discriminated against. It is worthy of note that, under a Labor government lead by former Prime Minister Kevin Rudd, some 84 Commonwealth acts were amended to remove any discrimination that might exist for same-sex couples living together. The Marriage Act was not identified as one of those acts. And as for human rights, there is absolutely no evidence that there is any breach of anyone's rights by retaining the current definition of marriage.

Whilst marriage over time has taken some knocks in the way different societies have treated it, it still remains the fundamental organisational unit around which society is organised and will remain so. No stable, credible alternative form of societal organisation has been found to it.

I am somewhat appalled at the prospect, if the bill were to be passed, of religious...
schools and institutions who do not subscribe to the alternative definition being the subject of vilification because they do not want to act contrary to their own beliefs. This transgresses the boundary of reasonableness and tolerance in a pluralist society. Whilst the sop from the proponents of the bill is to exempt ministers of religion from performing a marriage as defined under their bill, it does nothing to protect the extensive network of schools and institutions run by religious organisations to uphold their own values within the institutions without being subject to legal action and further legislation which conflicts with their mores.

I support fully the dissenting report by individual Labor Senators Furner, Polley, Bilyk, Sterle, Stephens, Gallacher and Bishop in the Legal and Constitutional Affairs Committee report dated 25 June 2012. I will oppose this bill.

Senator IAN MACDONALD (Queensland) (11:18): I rise to speak on the Marriage Amendment Bill (No.2) 2012. Two of my wife's and my best friends are a gay couple who have lived in a loving, caring, committed relationship for over 35 years. No change of the definition of the word marriage will ever impact on that relationship. In their own eyes, in mine and in the eyes of most Australians, they are no less equal than any other Australians because of the definition of marriage. I believe that marriage is a union between men and women and for that reason and for other reasons that I will very briefly mention, I will not be supporting the bill.

I have listened to many of the speeches in this chamber over the last three days, many of those speeches from both sides of the argument have been thoughtful and sincere. In particular, I note two very fine speeches just this morning from Senators Humphries and Madigan. Because of time constraints on this bill, I will not be repeating the arguments of others.

Prior to the last election, we promised to restore fairness to returned servicemen with their pension issues, and people voted for us because of that promise. We made good our promise by introducing a private member's bill to honour that commitment we made.

We also promised at the last election that we would oppose a carbon tax if it were ever to be introduced by the Labor Party. We and all other Australians were assured by the leader and deputy leader of the Labor Party that there would be no carbon tax. People voted for us and they voted for the Labor Party on the basis of that promise that there would be no carbon tax. We, at the next election, will promise to repeal the carbon tax and, if we win, we will repeal it because we will make a promise and we will honour that promise.

We promised also before the last election and previous elections not to interfere with the time-honoured and Christian definition of marriage, and so did the Labor leader. People voted for us and they also voted for Labor senators in this chamber on the basis of that promise that both parties would not countenance a change in the definition. So today's debate is really not about fairness, equity or principles; it is a matter of trust. Australians expect that, if their leaders and political parties make promises, they will honour those promises. Today in opposing this bill, again we are honouring the promise we made to the Australian people; we are honouring our policy commitment, which I supported then and support now; and we are discharging a commitment we made for which people voted for us.

With the Australian economy in tatters and with $120 billion worth of unfunded promises, we find that for three days, instead of discussing those issues, we are discussing
this issue, which, as I say, is nothing about principles, equality or lack of human rights for gay people; it is all about pure power. After the Prime Minister promised that her party would oppose this, the Greens have come along and said, 'We will withdraw our support for your government and you won't be Prime Minister anymore unless you allow this bill to go ahead.' So, for pure power reasons—it is all about power—just to remain as Prime Minister, the Prime Minister will trash any promise she makes where it does not suit her interest.

As I say, I will not be supporting this. I will be honouring the commitment that my party made. I will be honouring the policy we took—a policy which I agree with and which I adopted. I was happy to go to at least the last two federal elections making that commitment. It accords with my beliefs and I will not be supporting the bill.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (11:24): Firstly, in speaking on the Marriage Amendment Bill (No. 2) 2012, I thank those senators who have contributed in a respectful and thoughtful way to what is a complex and highly contested issue. I am particularly proud that the Labor senators have handled themselves in such a respectful way in dealing with this issue; I think both sides have conducted the debate in an appropriate way. I also thank those Liberal and Green senators who sought to do the same thing. I think this parliament has a great history in recent years of dealing with these issues in a mature, respectful way, be they issues to do with euthanasia, the RU486 debate or what have you. I think we have dealt with it really well. I think this is, though, the first time where one of the parties has not been allowed a conscience vote. As we know, the Liberal and National parties have on this occasion not allowed their members to exercise a conscience vote. I am very proud that the Labor Party has given that right to its senators as well as, of course, its members in the other House.

I also want to make the point that I think this government's record of ending discrimination against gay and lesbian people is one of its proudest achievements. I know that when I was shadow defence minister I ran up against the terrible discrimination that still existed in the mid-2000s against gay and lesbian people inside the Defence Force. Issues such as housing, transfers and superannuation were all impacted by the terrible discrimination against the quite large numbers of people who made a contribution to the defence of this nation. It was a blight on Australian democracy, and I am pleased to say that the work led by then Attorney-General Robert McClelland saw an end to much of that discrimination and that the parliament supported an end to that discrimination in a bipartisan way. I think that was very appropriate.

I do want to briefly refer to Senator Bernardi's comments, because I think it is important that people make it clear that they regarded—certainly I regard—those comments as outrageous, hurtful, bigoted and reflecting a prejudice that has no place in a modern Australia. I think his remarks were terribly insulting to gay and lesbian people. Hundreds of gay and lesbian people work in this parliament, and I am sure they were all offended and hurt by the comments. Tens of thousands of Australian gay and lesbian people would be hurt and offended by those comments. That sort of denigration and lowering of the debate has done him no good and, quite frankly, has brought an edge to this debate that was absolutely unnecessary and, as I say, not reflective of the
contributions other senators have been making.

Senator Bernardi has, unfortunately, a reputation for association with the lunatic fringe of the right wing of politics in this country. We have heard his comments on issues from climate change to the wearing of burqas to the attack on the religion of Islam, all of which have reflected a prejudice and an encouragement of some of the lunacy and hatreds that exist in our society and internationally. As I say, I think his support for some of those groups and their contributions has been quite outrageous.

I think the other point to make in that regard is that Mr Abbott, in dealing with that issue, failed the test of leadership. He never condemned Senator Bernardi’s remarks in the way that he should have. I think the real question here is not why Senator Bernardi was dismissed, or why his resignation was accepted. The question is why he was ever appointed. Mr Abbott made him his personal parliamentary secretary—his representative—knowing the sort of view he has expressed over many years.

Senator Scullion: That’s why he sacked him.

Senator CHRIS EVANS: No, he appointed him knowing those views. These views have been articulated by Senator Bernardi on a range of subjects for many years, and Mr Abbott made the decision to make him his personal representative—his personal parliamentary secretary. I think the handling of the so-called resignation of Senator Bernardi again calls into question again Mr Abbott’s judgement. I read that he really did not sack Senator Bernardi for what he said, but thought that the offence of interrupting Christopher Pyne on radio was serious, or that the issue of a lack of discipline was the cause of his having to go. I think it is of huge concern that it took Malcolm Turnbull and Joe Hockey to make clear their repugnance at the remarks he made and Mr Abbott did not seem to express the same comments. In fact, he praised Senator Bernardi, thanked him for his resignation and seemed more focused on the issues of the processes rather than on the original remarks.

I speak in support of the bill. It is a view I have come to over the last few years that we ought to support the right of gay and lesbian people to marry. I think that, like many in the community, I have been on a bit of a journey in this regard. I have been very focused for many years on the question of supporting equal rights for gay and lesbian people and I am glad to see we have made huge progress in that regard. I suppose, like many, I took a view that it was much more important that we resolved issues like fair entitlement to superannuation for people living in a same-sex relationships and their treatment under the law in a whole range of respects that had been denied to them. But I stopped short, as many of us have and do, on the question of whether we should allow gay and lesbian people to marry. I suppose I did it on the basis that I did not see it as a discrimination but more as a respect for those of religious beliefs who saw marriage through that light as very much a union between a man and a woman. My view was: ‘Why not respect that? Why not allow recognition of same-sex marriages but not go the full extent of supporting gay marriage?’ My view was that that was an appropriate balance of the views in the community and allowed the gay and lesbian people to have the proper respect for their relationship without going as far as the question of marriage.

But I must say that view has changed. A couple of things have led me to that view. I have heard from friends of mine who have expressed the view as gay or lesbian couples that they wanted the right to marry and that it
was important to them. I may not have understood how important it was to many of those people that they had that opportunity. Many others will choose not to seek to marry, but those who do want to see it as a real discrimination against them, and I have come to understand how strongly many feel about that. That has influenced my thinking.

But in the end I suppose it comes down to a balance of judgement. In preparing for this speech I actually reread some of John Stuart Mill because he, the great liberal thinker, had a lot to say on issues of liberty. I know it is generally more a reference for Liberal members of parliament than the Labor members of parliament to look at John Stuart Mill's writings, but in looking at them again they reminded me the tests he recommended we apply when looking at questions of individual liberty—tests such as recognition of the desire to pursue the greatest happiness for people, the assertion of individual liberty, the principle of not interfering with a person's liberty unless they were doing harm to others and the opposition to any tyranny of the majority. All of these concepts, which were at the heart of his thinking, I sought to think through in terms of this debate. It brought home to me the importance of the principles at the heart of this debate and, for me, in the end it comes down to: what harm does it do to opposite-sex partners who are married to give the right to marry to gay and lesbian people? As a person who is married, I can see no harm. It seems to me it does my marriage no harm to extend to gay and lesbian people access to the right to marry. I know it upsets people's sensibilities. I know it upsets their religious beliefs or is in contrast to their religious beliefs but I cannot see how it does them harm. It seems to me that then to deny the liberty of gay and lesbian couples to marry cannot be justified. Why should they not be able to pursue happiness? Why should they not be able to have their relationships recognised in the same way? Why should they be denied the liberties that we straight people, for want of a better word, enjoy? When I think all those things through, I certainly come to the view that it would be discriminatory to deny gay and lesbian people the right to marry if they want to.

And so I have come to that view. It was certainly reinforced at a party last year to celebrate the engagement of one of my wife's nephews. One of the other nephews discussed with me the fact that he and his long-term partner, who live in a gay relationship, were considering travelling to Canada, where they would be allowed to marry. It struck me that this was a terrible situation where, to have the recognition they sought for their relationship, they would have to leave the country, to marry in a foreign country, without the attendance of their friends and family, a country they had never visited before—all in order to validate and have recognition of their relationship. I thought that is not a good place for Australia to be. It is not a good place to be where Australian citizens feel they have to go overseas, to a foreign country, in order to allow them the sort of recognition they seek for their relationship. That is just one of the interactions I have had with gay and lesbian people which confirmed for me that the balance of the recognition of their rights, of their liberties and of their love for and commitment to each other should not be denied because of the objections or the sensibilities of others in the community, however strongly held they may be.

I am pleased to support the legislation. I do not think this issue will go away. If this bill is defeated, I think the parliament will deal with this issue again in the next term of parliament. But I do respect the views of all senators on this issue and, as I say, with a few exceptions, I applaud the standard of the
debate and the respect and tolerance that people have brought to the subject. But, for me, I think the rights of gay and lesbian people to marry are important—important to them and important to justice in our society, and the passage of this legislation would end the remaining legal discrimination against gay and lesbian people.

Senator FAWCETT (South Australia) (11:39): I rise to speak to the Marriage Amendment Bill (No. 2) 2012. The time for the discussion has been somewhat limited but I wish to place on record my brief remarks, given the importance of this matter. I will be voting against the bill. I think it is important to recognise that this discussion is not about the comparative value of people in the gay, lesbian and bisexual community. It is about how we define marriage and why. It is also not an issue of human rights. Twice, in fact as recently as March this year, the European Court of Human Rights in Strasbourg ruled that same sex marriage is not a human rights issue.

Why should the government care about marriage? Hugh Mackay writes in his book titled Reinventing Australia:

Families are still seen as having the potential to provide the emotional security of permanent relationships, as well as a strong sense of identity arising from those relationships.... Family life is thought to teach us important lessons about loyalty, responsibility and compromise, and many Australians believe the quality of family life is an important index of the quality of life in the wider society.... Families are not necessarily expected to be happy, but they are still seen as one of society’s most precious resources.

The Assistant Secretary for Children and Families in the United States Department of Health and Human Services, Wade Horn, makes a similar case in the United States. He quotes the research by 12 different social scientists who conclude:

... marriage is more than a private emotional relationship. It is also a social good. Not every person can or should marry. And not every child raised outside of marriage is damaged as a result. But communities where good-enough marriages are common have better outcomes for children, women and men than do communities suffering from high rates of divorce, unmarried child bearing, and high-conflict or violent marriages.

So marriage and the family is an important part of the fabric of our community. I am on record a number of times—in the maiden speech in the other place and here, as well as through work I have done previously in the community and on committees in this parliament—saying that I support marriage and support families because of the value that they bring to our community.

For those who are concerned about the separation of church and state and that perhaps some of these views of marriage come predominantly from people of faith, they can go right back to Aristotle, who died in 322 BC. In his view, the social basis of political and ethical life is the free and relatively egalitarian relationship of husband and wife as partners in a common life founded on the cultivation and enjoyment of virtue. Aristotle contends that the dream of a man and woman to form a relationship of friendship and family is deep-seated, saying:

There seems to be a friendship between man and woman by nature.

And so this goes back a long way. It transcends a number of borders in terms of philosophy and religion, and it is an important aspect for our community.

There are precedents where government has made choices, and consanguinity is one that is well established in Australian law. There are also principles to consider here. A number of people have talked about the fact that the coalition is not having a conscience vote on this issue. That is because we went to the election with a promise and a
commitment that we would support the current definition of marriage, and we believe it is important not to go back on that as a party. So we will be continuing.

The other principle that I wish to just briefly mention is the important principle of freedom of speech. There has been a lot of discussion about whether comments are appropriate, whether different views are appropriate and whether people should be leaving their world view—and that is particularly aimed at those from the Christian and other faiths—at the door of the parliament. I believe it is important that people recognise that everybody comes to this place with a world view. It does not matter which perspective you come from, you come with a world view. And part of the reason people come here is that they have been elected on the basis of their character, their integrity and what they can add value to, and part of that is their world view. They actually betray people they are supposed to represent if they do not bring those values into here. The important thing is that they should be free and that people in the community should be free to speak their mind, particularly when they are talking about an issue like this, when they are not inciting hatred or inciting harm towards other people, without being shouted down or howled down in an unreasonable manner. I will not be supporting the bill.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:45): I rise to speak on this Marriage Amendment Bill (No. 2) 2012. The bill has been introduced by four members of the Labor Party and is very similar to legislation that was introduced and voted on yesterday in the House of Representatives that was quite overwhelmingly defeated by a margin of 98 votes to 42 votes. So I think it is probably worth making the point that, even if this bill was to pass this chamber, it would not succeed in the House of Representatives, based on that vote yesterday.

I am already on the public record as indicating that I oppose same-sex marriage and nothing in the debate that has occurred over this week has allowed me to change my mind in respect of that. As a result, I will not be supporting this legislation and I continue to believe that marriage as it is defined in the Marriage Act, as marriage between one man and one woman, is the appropriate definition of marriage.

I am comforted in that position by reading the dissenting report by individual Labor senators on a similar bill that was introduced by Senator Hanson-Young from South
Australia. The senators make a number of points. Firstly, in 2008, discrimination against gay and lesbian couples was removed in the federal parliament in respect of federal legislation. Secondly—and it is worth quoting—they note:

In our view, changing the law so that marriage includes same-sex unions would be to change what marriage means. Currently marriage involves a comprehensive union between a man and a woman. Marriage has a place in law because a relationship between a man and a woman is the kind of relationship that may produce children. Marriage is linked to children, for the sake of children, protecting their identity. It is worthy to note that in California after their legislature experimented with same-sex marriage, the people of California voted against the revisionist concept of marriage.

The additional point that I think is worth making from this report is the issue that relates to human rights. They say at 1.10 in their report:

We do not take as a genuine claim the suggestion that same-sex marriage is a fundamental human right. The European Court of Human Rights has in the past three years twice stated that there is no human right for same-sex marriage.

We are fortunate on this side of the chamber to have a conscience vote on this issue. This is the first time I have had the opportunity to exercise a conscience vote in this place. I went to the 2007 election indicating I was opposed to a change to the definition of marriage. That continues to be my position and I will be voting against the bill.

**PETITIONS**

**Marriage**

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

To the Honourable the President and Members of the Senate in Parliament assembled:

Noting the following:

- that marriage is currently defined in the Marriage Act (1961) as being ‘... the union of a man and a woman to the exclusion of all others, voluntarily entered into for life, each element of which is essential to the integrity of marriage and each of which was inserted into the Marriage Act on a bipartisan basis in 2004;
- that marriage is one of the great institutions on which our society is built;
- that marriage provides for a stable family and is the umbrella under which children are nurtured and grow; and
- that marriage is worthy of protection and support.

We, the undersigned petitioners, call on the Senate to support the definition of marriage as
currently contained within the Marriage Act (1961)

by Senator Parry (from 37 citizens).
Petition received.

NOTICES
Presentation

Senator Bushby to move:
That the Economics References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 10 October 2012, from 6 pm, to take evidence for the committee's inquiry into the effects of the global financial crisis on the Australian banking sector.

Senator Xenophon to move:

Senator Ludlam to move:
That the Senate calls:
(a) the attention of the Prime Minister (Ms Gillard) to a resolution of the Senate of 21 June 2012; and
(b) on the Prime Minister to indicate whether or not she intends to retract prejudicial statements regarding the illegality of Wikileaks publishing endeavours and, if so, when.

Senator Ludlam to move:
That the Senate notes that:
(i) a delegation from the Parliament of Burma, led by the Speaker HE Thura U Shwe Mann was recently in Australia,
(ii) in the week beginning 16 September 2012, Burmese authorities released several dozen political prisoners, and
(iii) on 29 August and 30 August 2012, the Burmese Government removed the names of 1147 foreign citizens, including ex-citizens, as well as 935 political dissidents from the Blacklist; and
(b) calls on the Government to:
(i) call on the Burmese Government to release all remaining political prisoners, to lift any restrictions imposed on already freed political prisoners and repeal laws that allow for the detention of political prisoners,
(ii) call on the Burmese Government and all other parties to immediately cease hostilities and implement a nation-wide ceasefire,
(iii) encourage both the Burmese Government and all other parties to take further steps beyond the current ceasefire agreements and enter into a comprehensive and inclusive political dialogue that fully engages the democratic opposition, genuine representatives of all ethnic opposition groups, and civil society actors, and
(iv) support the inclusion of language into the 2012 United Nations General Assembly Resolution on Burma that reflects developments on the ground there.

Senator Whish-Wilson to move:
That the following bill be introduced: A Bill for an Act to provide for environmentally sustainable use of resources and best practices in waste management by establishing a national beverage container deposit and reward recovery scheme, and for related purposes. Environment Protection (Beverage Container Recovery Reward Scheme) Bill 2012.

Senator Rhiannon to move:
That the Senate—
(a) notes that:
(i) on 20 September 2012 thousands of students, parents, teachers, staff and friends of Technical and Further Education (TAFE) rallied in Victoria, and in other states, to support TAFE students and staff who are bearing the brunt of state government budget cuts such as the Baillieu Government's devastating $300 million TAFE cuts, which will lead to campus closures, job losses, more course cuts, further increases to students' fees and charges, and will damage the economy,
(ii) the Baillieu Government's $300 million vocational education and training (VET) budget cuts result from a drastic shift in VET market share, where private VET courses have overtaken TAFE courses for the first time, coupled with a
310 per cent growth in enrolments in private Registered Training Organisations (RTOs), a failure of state and federal VET policy that TAFE should not be punished for,

(iii) the New South Wales Government in the week beginning 9 September 2012 delivered a $1.7 billion education budget cut that includes 800 job losses at TAFE NSW and will result in a 9.5 per cent increase in TAFE NSW course fees, and

(iv) the market-based student-entitlement model that is failing in Victoria and being adopted in other states poses a risk to the viability of the TAFE system and to the economy as it is unlikely to deliver the skilled workforce mix that Australia needs; and

(b) calls on the Government to:

(i) urgently introduce measures to curtail the growth in enrolments in private VET providers and RTOs which is draining state government VET budgets, and

(ii) revise the National Partnership Agreement to phase out entitlement-based funding and fee help, and instead focus on funding and developing public providers.

COMMITTEES
Selection of Bills Committee
Report

Ordered that the report be adopted.

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. 12 OF 2012

1. The committee met in private session on Wednesday, 19 September 2012 at 7.18 pm.

2. The committee resolved to recommend—

That—

(a) the provisions of the following bills be referred immediately to the Economics Legislation Committee for inquiry and report by 29 October 2012:

Clean Energy Amendment (International Emissions Trading and Other Measures) Bill 2012

Clean Energy (Charges—Excise) Amendment Bill 2012

Clean Energy (Charges—Customs) Amendment Bill 2012

Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Per-tonne Carbon Price Equivalent) Bill 2012

Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment (Per-tonne Carbon Price Equivalent) Bill 2012

Clean Energy (Unit Issue Charge—Auctions) Amendment Bill 2012

(b) the Competition and Consumer Amendment (Australian Food Labelling) Bill 2012 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by the first sitting day of 2013 (see appendix 2 for a statement of reasons for referral);

(c) the provisions of the Dental Benefits Amendment Bill 2012 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 29 October 2012 (see appendix 3 for a statement of reasons for referral);

(d) the provisions of the Law Enforcement Integrity Legislation Amendment Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 November 2012 (see appendix 4 for a statement of reasons for referral).

3. The committee resolved to recommend—

That the following bills not be referred to committees:
The committee considered the Environment Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Bill 2012 and, noting that the bill had passed the Senate on 18 September 2012, resolved to recommend that the bill not be referred to a committee.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:

- Corporations Legislation Amendment (Derivative Transactions) Bill 2012
- Higher Education Support Amendment (Maximum Payment Amounts and Other Measures) Bill 2012
- Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012
- Industrial Chemicals (Notification and Assessment) Amendment Bill 2012
- International Fund for Agricultural Development Amendment Bill 2012
- Personal Liability for Corporate Fault Reform Bill 2012
- Social Security and Other Legislation Amendment (Further 2012 Budget and Other Measures) Bill 2012
- Superannuation Legislation Amendment (Further MySuper and Transparency Measures) Bill 2012

The committee considered the Environment Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Bill 2012 and, noting that the bill had passed the Senate on 18 September 2012, resolved to recommend that the bill not be referred to a committee.

The committee recommends accordingly.

- Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011
- Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012
- Superannuation Laws Amendment (Capital Gains Tax Relief and Other Efficiency Measures) Bill 2012
- Superannuation Auditor Registration Imposition Bill 2012.

(Anne McEwen)
Chair
20 September 2012

Appendix 2

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:
Clean Energy Legislation Amendment (International Emissions Trading and Other Measures) Bill
Excise Tariff Amendment (Per-tonne Carbon Price Equivalent) Bill
Clean Energy (Charges-Excise) Amendment Bill
Clean Energy (Charges-Customs) Amendment Bill
Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment (Per-tonne Carbon Price Equivalent) Bill
Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Per tonne Carbon Price Equivalent) Bill
Clean Energy (Unit Issue Charge-Auctions) Amendment Bill

Reasons for referral/principal issues for consideration:
To examine proposed legislation changes to the Carbon Tax regulatory and administrative arrangements and impacts on affected Australian businesses.
Possible submissions or evidence from:
Affected businesses
Energy economists
Committee to which bill is to be referred:
Economics Committee
Possible hearing date(s):
September 1 October 2012
Possible reporting date:
October 1 November 2012
(signed)
Senator Fifield

Appendix 2
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Competition and Consumer Amendment (Australian Food Labelling) Bill2012
Reasons for referral/principal issues for consideration:
To consult further with producers, industry and stakeholders.
Possible submissions or evidence from:
TBC
Committee to which bill is to be referred:
Rural Affairs and Transport Legislation Committee
Possible hearing date(s):
TBC
Possible reporting date:
1st day of sitting 2013
Senator Siewert
(signed)
Selection of Bills Committee member

Appendix 3
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Dental Benefits Amendment Bill 2012
Reasons for referral/principal issues for consideration:
Consider the implications for the dental health of Australians.
Possible submissions or evidence from:
Australian Dental Association (NSW) Consumer Health Forum of Australia
The Association for the Promotion of Oral Health
State and Territory public dental health services
Committee to which bill is to be referred:
Community Affairs
Possible hearing date(s):
To be determined by committee
Possible reporting date:
To be determined by committee
Senator Fifield
(signed)
Selection of Bills Committee member

Appendix 4
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Law Enforcement Integrity Legislation Amendment Bill
Reasons for referral/principal issues for consideration:
Extensive proposed changes to integrity testing regime and increased powers need to be thoroughly examined by the committee.
Possible submissions or evidence from:
Australian Customs and Border Protection Service
Australian Federal Police
Australian Crime Commission
Australian Commission for Law Enforcement Integrity
Attorney-General's Department
Committee to which bill is to be referred:
Senate Standing Committee on Legal and Constitutional Affairs.

Possible hearing date(s):
To be determined by the committee

Possible reporting date:
To be determined by the committee

(signed)

Senator Fifield
Selection of Bills Committee member

BUSINESS
Rearrangement

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (11:52): I move:

That government business order of the day no. 2 (Judges and Governors-General Legislation Amendment (Family Law) Bill 2012) be considered from 12.45 pm today under the temporary order relating to non-controversial government business.

Question agreed to.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (11:52): by leave—At the request of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Privacy Amendment (Enhancing Privacy Protection) Bill 2012 be extended to 25 September 2012.

Question agreed to.

Electricity Prices Committee Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (11:53): by leave—At the request of the Chair of the Select Committee on Electricity Prices, Senator Thistlethwaite, I move:

That the Select Committee on Electricity Prices be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 9 October 2012, from 1.00 pm.

Question agreed to.

BUSINESS
Leave of Absence

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (11:53): by leave—I move:

That leave of absence be granted to Senator Brandis for today, on account of parliamentary business.

Question agreed to.

NOTICES
Postponement

The following items of business were postponed:

General business notice of motion no. 781 standing in the name of Senator Hanson-Young for today, proposing the introduction of the Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012, postponed till 10 October 2012.

General business notice of motion no. 930 standing in the name of Senator Hanson-Young for today, relating to marriage equality legislation, postponed till 9 October 2012.

COMMITTEES
Community Affairs Legislation Committee Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (11:55): At
the request of the Chair of the Community Affairs Legislation Committee, I move:

That the Community Affairs Legislation Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 12.30 pm, as follows:

(a) on Tuesday, 9 October 2012; and
(b) on Tuesday, 30 October 2012.

Question agreed to.

Community Affairs References Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (11:55): At the request of the Chair of the Community Affairs References Committee, I move:

That the Community Affairs References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 12.30 pm, as follows:

(a) on Tuesday, 9 October 2012; and
(b) on Tuesday, 30 October 2012.

Question agreed to.

Community Affairs References Committee

Reference

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:55): I move:

That the following matter be referred to the Community Affairs References Committee for inquiry and report by 24 April 2013:

The involuntary or coerced sterilisation of people with disabilities in Australia, including:
(a) the types of sterilisation practices that are used, including treatments that prevent menstruation or reproduction, and exclusion or limitation of access to sexual health, contraceptive or family planning services;
(b) the prevalence of these sterilisation practices and how they are recorded across different state and territory jurisdictions;
(c) the different legal, regulatory and policy frameworks and practices across the Commonwealth, states and territories, and action to date on the harmonisation of regimes;
(d) whether current legal, regulatory and policy frameworks provide adequate:
(i) steps to determine the wishes of a person with a disability,
(ii) steps to determine an individual's capacity to provide free and informed consent,
(iii) steps to ensure independent representation in applications for sterilisation procedures where the subject of the application is deemed unable to provide free and informed consent, and
(iv) application of a 'best interest test' as it relates to sterilisation and reproductive rights;
(e) the impacts of sterilisation of people with disabilities;
(f) Australia's compliance with its international obligations as they apply to sterilisation of people with disabilities;
(g) the factors that lead to sterilisation procedures being sought by others for people with disabilities, including:
(i) the availability and effectiveness of services and programs to support people with disabilities in managing their reproductive and sexual health needs, and whether there are measures in place to ensure that these are available on a non-discriminatory basis,
(ii) the availability and effectiveness of educational resources for medical practitioners, guardians, carers and people with a disability around the consequences of sterilisation, and
(iii) medical practitioners, guardians and carers' knowledge of and access to services and programs to support people with disabilities in managing their reproductive and sexual health needs; and
(h) any other related matters.

Question agreed to.
DOCUMENTS

Longitudinal Study of Indigenous Children

Order for the Production of Documents

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:55): I move:

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

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

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

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

Question agreed to.

BILLS

Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012

Reference to Committee

Senator MADIGAN (Victoria) (11:57): On behalf of Senator Xenophon and myself, I move:

That the Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012 be referred to the Environment and Communications References Committee for inquiry and report by 29 November 2012.

Senator XENOPHON (South Australia) (11:57): Mr President, I seek leave to make a brief statement.

The PRESIDENT: Leave is granted for one minute.

Senator XENOPHON: My understanding, and I hope it is incorrect, is that this motion will not be supported by the government and the Greens. I am not sure if that is the case but if that is the case it would concern me because the Economics Committee has actually looked at this matter to the extent that they thought it was more appropriate for this issue to be referred to another committee. This is about the issue of renewable energy certificates for wind farms in the absence of appropriate health and other safeguards. The Economics Committee did not take evidence on this. It did not take submissions. It was recommended in a sense that it could go to another committee. That is what my colleague Senator Madigan and I are attempting to do. The practice and procedure of this place seems to be to allow bills, whether you agree or disagree with them, to be the subject of a robust inquiry so that both those for and against the bills can make submissions—unless I am mistaken. So if that is being blocked that would really concern me.

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

The Senate divided. [12:03]

(The President—Senator Hogg)

Ayes ......................30
Noes ......................34
Majority..................4

AYES

Abetz, E
Boswell, RLD
Bushby, DC
Cormann, M
Eggleston, A
Ffield, MP
Humphries, G
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ryan, SM
Sinodinos, A
Williams, JR

Back, CJ
Boyce, SK
Colbeck, R
Edwards, S
Fawcett, DJ
Heffernan, W
Johnston, D
Kroger, H (teller)
Madigan, JJ
McKenzie, B
Parry, S
Ronaldson, M
Scullion, NG
Smith, D
Xenophon, N
Senator WRIGHT (South Australia) (12:05): I move:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 27 March 2013:

The role played by the former Australian Government in Mr David Hicks’ trial, treatment and detention, with particular reference to:

(a) his transfer from the custody of Afghanistan’s Northern Alliance to the United States (US) military and subsequent transfer into detention at the US Naval base at Guantanamo Bay, Cuba;

(b) his detention, interrogation and treatment in US custody;

(c) his 2004 charges and initial prosecution by the first US Military Commission;

(d) his subsequent 2007 charges and plea agreement under the Military Commission Act 2006 (US);

(e) his subsequent transfer to and incarceration in Australia;

(f) the control order placed upon him at the time of release from prison in Australia;

(g) whether Australia acted consistently with its obligations under international law in its dealings with the US in respect of the above matters; and

(h) any other related matters.

Question negatived.

Senator WRIGHT (South Australia) (12:06): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator WRIGHT: The treatment, incarceration and trials of David Hicks are a shameful period in Australia’s history. David Hicks has consistently made statements about his treatment, including abuse and drugging against his will. On the weekend, more revelations became evident and the statements have been backed up by evidence from a prominent attorney, independent investigations and previously secret reports. This evidence will continue to come out.

David Hicks has never had the opportunity to have the allegations against him heard in a properly constituted court. There have been inquiries in the US but no inquiries in Australia. The Greens have consistently called for a full independent inquiry into the treatment and incarceration of David Hicks and the role of the Australian government as it stood by and allowed it to happen. That has not occurred, and it is for
that reason that I am seeking to refer this matter to a Senate inquiry.

**The PRESIDENT:** We will deal next with No. 954, standing in the name of—

**Senator Wright:** Mr President, I was seeking a division on that.

**The PRESIDENT:** I did not hear the voices call for a division.

**Senator Jacinta Collins:** It's too late. She's already made a statement.

**Senator Wright:** I understood that I could seek leave to make a short statement before a division could be called, Mr President.

**The PRESIDENT:** I declared the result of it. If you are seeking a recommittal of the matter, that is a different issue, but I had actually called the result before I called you.

**Senator Wright:** Mr President, I accept that. I would then ask that Hansard record the fact that the Greens voted in favour of the motion and that the rest of the Senate voted against it.

**Opposition senators:** You can't say that. You don't know that!

**The PRESIDENT:** That will be done.

**MOTIONS**

**Wilders, Mr Geert**

**Senator DI NATALE** (Victoria) (12:08):

I move:

- That the Senate—
  - (a) notes the contribution to Australia's vibrant multicultural society by citizens of all cultures and religions;
  - (b) condemns anyone who vilifies any cultural or religious group;
  - (c) notes:
    - (i) the application by Dutch politician Mr Geert Wilders to visit Australia to speak against multiculturalism and Muslim immigration, and
    - (ii) with alarm, his public statements describing Muslim culture as retarded and barbaric and comparing the Koran to Mein Kampf; and
  - (d) calls on all members of the Australian Parliament to reject the hateful anti-Muslim views of Mr Wilders and his Australian sponsors.

**Senator JACINTA COLLINS** (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:09): Mr President, I seek leave to make a brief statement.

**The PRESIDENT:** Leave is granted for one minute.

**Senator JACINTA COLLINS:** Thank you, Mr President. We are not going to support a motion condemning a member of parliament from another country for the views that they express. The parliament has legislated a visa regime that ensures that all visa applications are assessed appropriately and other provisions in domestic law relating to racial and religious vilification.

**Senator DI NATALE** (Victoria) (12:09): Mr President, I seek leave to make a short statement.

**The PRESIDENT:** Leave is granted for one minute.

**Senator DI NATALE:** Mr President, I think it is critically important that we do support this motion, particularly on the back of the recent protests in Sydney. Multiculturalism is one of this country's enduring successes. There are people here, and right across the world, who are prepared to tear it down. We know that Geert Wilders has put in an application for a visa to come to this country and we know that there are members of this place who actually support his hateful views. We have had Senator Bernardi, who is currently in hiding in the UK, describe Mr Wilders as a 'charming and charismatic individual'. In fact, he supported his views and said he wanted to facilitate his visit to this country.
Senator Cormann: Mr President, I rise on a point of order: I think that the comments that are made by the senator are not consistent with the requirements under the standing orders for brief statements.

The PRESIDENT: I think you should withdraw that imputation.

Senator DI NATALE: What was the imputation, sorry, Mr President?

The PRESIDENT: I do not traverse. I am asking you to withdraw the imputation.

Senator DI NATALE: I am not sure what I am withdrawing.

The PRESIDENT: Thank you. Continue, Senator Di Natale.

Senator DI NATALE: We have Senator Bernardi, who is, to use the opposition leader, Mr Tony Abbott's words, 'freelancing on the backbench'.

Senator Cormann: Mr President, I rise on a point of order. There are requirements involved that are applicable to all senators when it comes to providing brief statements in the context of these motions. The senator is not complying with the requirements under standing orders in the context of brief statements.

The PRESIDENT: I understood that the senator did withdraw the offending comments.

Opposition senators: He didn't withdraw!

The PRESIDENT: Let us just get it clarified: Senator Di Natale, you withdraw the offending comments in the statement that you made.

Senator DI NATALE: I asked for clarification of the offending comments.

The PRESIDENT: No, I do not clarify; I do not repeat offending comments. You are aware of what the offending comments are in respect of Senator Bernardi.

Senator DI NATALE: The point is I am not aware. I just want some clarification.

Senator Fifield: Mr President, I rise on a point of order: Senator Di Natale was reflecting on a member of the Senate, and he should withdraw that reflection.

The PRESIDENT: That is correct. Senator Di Natale, you were reflecting on a member of the Senate; you should withdraw that.

Senator DI NATALE: If those reflections relate to the words 'in hiding', I withdraw those. I do say, however, that not to support this motion is to condone Senator Cory Bernardi's support of Geert Wilders—a hateful, spiteful and corrosive figure. To not support this motion indicates support for those views.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (12:13): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator ABETZ: I thank the Senate. This motion must have been written with the word tartuffery in mind. It is hypocritical piety. You read:

(b) condemns anyone who vilifies any cultural or religious group;

Let us think about the Australian Greens behaviour. For example, on 3 April 2004, the Australian Greens leader called for a public register of all Exclusive Brethren workplaces. What is that, if that is not vilification of a particular religious group—which, chances are, none of us in this place would actually agree with? Or what about the vicious BDS campaign that the Greens have supported over the years? (Time expired)
The PRESIDENT: The question is that the motion moved by Senator Di Natale be agreed to.

The Senate divided. [12:15]

(The President—Senator Hogg)

Ayes.....................8
Noes.......................40
Majority....................32

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

NOES
Back, CJ...................... Bilyk, CL
Boswell, RLD................. Brown, CL
Bushby, DC................... Cameron, DN
Carr, KJ........................ Colbeck, R
Collins, JMA................ Conroy, SM
Cormann, M................... Crossin, P
Edwards, S................... Farrell, D
Fawcett, DJ................... Fifield, MP
Furner, ML.................. Gallacher, AM
Hogg, JJ (teller).............. Kroger, H
Ludwig, JW................... Lundy, KA
Madigan, JJ.................. Marshall, GM
McEwen, A.................. McKenzie, B
Moore, CM..................... Nash, F
Parry, S....................... Payne, MA
Polkey, H...................... Pratt, LC
Ryan, SM..................... Scullion, NG
Sinodinos, A............... Smith, D
Sterle, G..................... Thistlethwaite, M
Thorp, LE.................... Urquhart, AE

Question negatived.

Bald Hills Wind Farm

Senator MADIGAN (Victoria) (12:18): I move:
That the Senate—
(a) notes that:
(i) the Bald Hills wind farm in South Gippsland was approved by the Commonwealth in 2006 and has not yet been built,
(ii) the Commonwealth has allowed the project proponent to increase the height of the proposed 52 turbines from 110 metres to 135 metres without any assessment of the environmental impact of this increase,
(iii) the Commonwealth's 2006 conditions of approval failed to specify the height of the turbines permitted in the project,
(iv) the conditions of approval permit the proposed wind farm to cut directly across a migratory shorebirds flyway connecting three sites of international significance for six migratory shorebird species,
(v) the species are listed under the Commonwealth's 2009 Significant impact guidelines for 36 migratory shorebird species,
(vi) the three sites of international significance flanking the Bald Hills area are identified in the Migratory Shorebirds of the East Asian – Australasian flyway: population estimates and internationally important sites report which underpins the Commonwealth's Significant impact guidelines for 36 migratory shorebird species, and
(vii) the Bald Hills Wetland Conservation Reserve and the Kings Flat Flora and Fauna Reserve that directly abut the proposed wind farm site are an important habitat for a seventh species listed in the Commonwealth's Significant impact guidelines for 36 migratory shorebird species; and
(b) calls on the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to remove the Commonwealth's approval for the construction of the Bald Hills wind farm and to refer the project proposal for review as per the terms of the Significant impact guidelines for 36 migratory shorebird species, and in line with Australia's obligations under the Japan-Australia Migratory Bird Agreement, the China-Australia Migratory Bird Agreement, the Republic of Korea-Australia Migratory Bird Agreement and the Environment Protection and Biodiversity Conservation Act 1999.

Question negatived.
Newstart Allowance

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:17): I move:
That the Senate—
(a) notes that:
(i) today, due to the differences in the types of indexation, pensions will go up by $17.10 while allowances will only increase by $2.90, and
(ii) indexation against the consumer price index alone keeps Newstart so low it cannot adequately meet the true increases in the cost of living; and
(b) urges the Government to take immediate steps to appropriately index Newstart at the same rate as the pension to prevent an ever-widening gap.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:17): Mr President, I seek leave to make a brief statement.

The PRESIDENT: Leave is granted for one minute.

Senator JACINTA COLLINS: Newstart allowance provides a financial safety net for Australians while they seek to re-enter the labour market. It is indexed by the CPI. Unlike Newstart allowance, pensions are designed for those who are not expected to or have little or no ongoing capacity to support themselves through employment due to factors such as age, illness or disability.

The Senate Standing Committee on Education, Employment and Workplace Relations is currently conducting an inquiry into the adequacy of the allowance payments system, including the Newstart allowance. The committee is due to table its report on 29 November. The government has publicly stated that it would listen to the findings of the Senate committee with an open mind. This will be done in the context of fiscal responsibility and the budget's bottom line.

Senator SIEWERT: Of those people living on Newstart, 62 per cent have been on it for longer than 12 months. Therefore, it puts paid to the argument that it is a short-term payment. I lived on Newstart for a week in April. I bought a basket of goods. I repriced that basket of goods—exactly the same basket in exactly the same shop—last Saturday and the price of goods had gone up $7.38. That is far above the $1.45 per week indexation that kicks in today to those living on Newstart. Clearly the indexation currently available for Newstart does not match the real cost of living to those trying to survive Newstart, of which 62 per cent are trying to do it for over 12 months. There is clearly a need for action right now, because those living on pensions are getting $17.10—rightly so. Why aren't those living on Newstart, who have virtually exactly the same cost of living? (Time expired)

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

The Senate divided. [12:22]

Ayes .....................8
Noes ....................34
Majority .................26

AYES
Di Natale, R
Hanson-Young, SC
Ludlam, S
Rhiannon, L
Siewert, R (teller)
Waters, LJ
Whish-Wilson, PS
Wright, PL
Thursday, 20 September 2012

SENATE

7481

Question negatived.

Threatened Species and Wilderness

Senator WATERS (Queensland) (12:24):
I move:
That the Senate—
(a) notes:
(i) the intention of the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to transfer responsibility for protecting our nationally threatened species and wilderness places to state governments by March 2013, and
(ii) that Australians expect our nationally threatened species and wilderness places to be protected by the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities, including the Australian Capital Territory’s nationally heritage listed Namadgi National Park, which makes up almost 45 per cent of the territory; and
(b) calls on the Government to retain responsibility for all major decisions on environmentally damaging projects that affect our nationally threatened species and wilderness places.

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

The Senate divided. [12:25]

(Trans President—Senator Hogg)

Ayes ................. 9
Noes .................. 32
Majority ............... 23

AYES

Di Natale, R
Hanson-Young, SC
Ludlam, S
Madigan, JJ
Rhiannon, L
Stewart, R (teller)
Waters, LJ
Whish-Wilson, PS

Wright, PL

NOES

Back, CJ
Bilyk, CL
Brown, CL
Carr, KJ
Collins, JMA
Cormann, M
Fifield, MP
Gallacher, AM
Kroger, H (teller)
Lundy, KA
McEwen, A
McEwen, A (teller)
Moore, CM
Nash, F
Parry, S
Payne, MA
Polley, H
Pratt, LC
Ryan, SM
Scullion, NG
Smith, D
Sterle, G
Thistlethwaite, M
Thorp, LE
Urquhart, AE

BUDGET

Consideration by Estimates Committees

Senator McEWEN (South Australia—Government Whip in the Senate) (12:27):
On behalf of the respective chairs, I present additional information received by committees relating to the following estimates:

Budget 2011-12 (Supplementary)—Community Affairs Legislation Committee—Additional information received between 27 June and 18 September 2012—Human Services portfolio.

Additional estimates 2011-12—
Community Affairs Legislation Committee—Additional information received between 27 June and 18 September 2012—Cross portfolio Indigenous matters.

Education, Employment and Workplace Relations Legislation Committee—Additional information received between 26 June and 20 September 2012—Education, Employment and Workplace Relations portfolio.

Budget estimates 2012-13—

Community Affairs Legislation Committee—Additional information received between 4 June and 18 September 2012—

Indigenous matters across portfolios: Department of Education, Employment and Workplace Relations; Department of Health and Ageing; Department of Human Services; Families, Housing, Community Services and Indigenous Affairs portfolio; National e-Health Transition Authority.

Families, Housing, Community Services and Indigenous Affairs portfolio.

Health and Ageing portfolio.

Human Services portfolio.

National e-Health Transition Authority.

Economics Legislation Committee—Additional information received between 23 August and 20 September 2012—


Treasury portfolio.

Education, Employment and Workplace Relations Legislation Committee—Hansard record of proceedings and additional information received between 26 June and 20 September 2012—Education, Employment and Workplace Relations portfolio.

Environment and Communications Legislation Committee—Additional information received between 23 August and 19 September 2012—

Broadband, Communications and the Digital Economy portfolio—

Sustainability, Environment, Water, Population and Communities portfolio.

Finance and Public Administration Legislation Committee—Additional information received between 23 August and 18 September 2012—

Finance and Deregulation portfolio.

Parliamentary departments.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 29 June and 20 September 2012—

Attorney-General’s portfolio.

Immigration and Citizenship portfolio.

COMMITTEES

Community Affairs Legislation Committee

Additional Information

Senator McEWEN (South Australia—Government Whip in the Senate) (12:28): On behalf of the Chair of the Community Affairs Legislation Committee (Senator Moore) I present additional information received by the committee relating to its inquiry into Australian Charities and Not-for-profits Commission Bill 2012 and related bills.

Publications Committee

Report

Senator McEWEN (South Australia—Government Whip in the Senate) (12:28): On behalf of the Chair of the Standing Committee on Publications (Senator Brown) I present the 19th report of the Publications Committee.

Ordered that the report be adopted.

BILLS

Australian Charities and Not-for-profits Commission Bill 2012

Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012

First Reading

Bills received from the House of Representatives.
Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:29): 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.

Bill read a first time.

Second Reading

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:29): I table the revised explanatory memorandum relating to the bills and 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—

Australian Charities and Not-for-profits Commission Bill 2012

This bill establishes the Australian Charities and Not-for-profits Commission as a national regulator for the not-for-profit (NFP) sector.

The government believes in the importance of a strong and resilient charitable and NFP sector, and values the important contribution that the sector makes to building social capital and stronger communities right across Australia. The introduction of this bill represents a significant milestone in delivering reforms that will strengthen and support the sector, so it can continue to grow and flourish into the future.

Over the last 17 years, there have been six separate reviews of the charitable and NFP sector.

These have included the comprehensive 2001 Report of the "Inquiry into the Definition of Charities and Related Organisations", the 2009 "Review into Australia's Future Tax System" and the Productivity Commission's 2010 report, "Contribution of the Not-for-Profit Sector".

These reviews have recommended simplifying and harmonising taxation and regulation for the sector, with a national regulator and a statutory definition of charity.

The government is dedicated to supporting a strong, vibrant, diverse and independent NFP sector. At the last election, the government committed to introducing the most extensive national reforms the sector has experienced in our nation's history. These reforms reflect the importance of the sector and will support the ongoing growth, strength, and sustainability of the sector into the future.

Following on from this, in the 2011-12 budget, the government announced a series of reforms to strengthen and support the sector.

The cornerstone of the government's reform agenda is the Australian Charities and Not-for-profits Commission (ACNC).

The NFP sector is diverse, with entities ranging from micro sized sporting and recreational clubs to large national and multinational charitable organisations.

NFP entities play an important and unique role in Australian society. In recognition of this important role, the sector receives a range of funding, including donations from members of the public, and tax concessions, grants and other support from government.

Ensuring that the sector can consolidate its standing in the community through enhanced transparency and accountability is essential to its ongoing growth and sustainability.

A regulatory system that promotes good governance, accountability and transparency for NFP entities will help to maintain, protect and enhance the public trust and confidence that underpins the sector.

Equally important is promoting a reduction in unnecessary regulatory obligations on the sector. The sector is currently subject to overlapping, inconsistent and duplicative regulatory and reporting arrangements.

The lack of an independent national regulator within government, with a dedicated focus on the
particular needs of the sector, has hindered and held back the implementation of more streamlined regulatory arrangements across Australia.

This bill establishes a national framework for regulation of the NFP sector. Initially the ACNC will focus on regulating charities only; however, in the future the regulatory framework will be able to be extended to all NFP entities.

The regulatory approach of the ACNC will be proportional to size and risk in order to minimise regulatory duplication and compliance costs.

The bill also establishes a publicly available, online information register that contains details of entities registered with the ACNC. This register can be easily accessed by members of the public, including by donors and by volunteers. The public will be able to use the register as a source of reliable information, giving them confidence in their decisions to donate to, or volunteer for, a registered charity.

The ACNC will work to provide education and guidance to the sector to assist in their participation in the national regulatory framework. Likewise, the ACNC will play a key role in providing information and education to the public about the sector and how it is regulated. The educational role of the ACNC will help to improve public understanding of, and engagement with, the important work of the sector.

The ACNC bill has three objects. Its first object is to maintain, protect and enhance public trust and confidence in the NFP sector. Its second object is to support and sustain a robust, vibrant, independent and innovative NFP sector. The third object underlines the important role that the ACNC will have to promote the reduction of unnecessary regulatory obligations on the NFP sector.

The bill establishes the statutory Office of the Commissioner of the ACNC (ACNC Commissioner).

The ACNC Commissioner will have the general administration of the ACNC legislation. In undertaking his or her role, the ACNC Commissioner will have regard to a number of factors, including the diversity and distinctive role of the NFP sector and the importance of providing education and guidance to NFPs.

The bill provides the ACNC Commissioner with the power to register NFP entities under their specific charitable type or subtype. Registration is voluntary, however, entities will need to be registered to access government support in the form of concessions, exemptions and other benefits.

The bill also sets out the processes and grounds for the revocation of registration by the ACNC Commissioner.

The ACNC Commissioner will maintain a public register, containing key details about registered entities. The Commissioner may remove or withhold information from the register in specified circumstances.

Registered entities will need to comply with a set of minimum principles-based governance standards. Compliance with the governance standards is a condition of registration. Registered entities will also need to comply with external conduct standards.

The bill establishes a single reporting framework, which is proportional to the size of the registered entity, based on revenue thresholds. The differential reporting framework will minimise compliance costs, whilst ensuring appropriate levels of accountability and transparency.

The governance and external conduct standards, and the content of financial reports will be set out in statutory instruments. They will be developed through a consultation process that will include key stakeholders and advisory bodies, such as the NFP Sector Reform Council, and the public more broadly.

Registered entities will be required to notify the ACNC Commissioner of certain matters, for example, any changes to its contact details, or any significant contraventions of the bill or governance standards.

There are a range of powers and sanctions available to the ACNC Commissioner, to enable him or her to respond appropriately to the facts of each case. These powers allow the ACNC Commissioner to conduct regulatory oversight in an effective manner.
These powers include information gathering and monitoring powers, the ability to give entities warning notices or directions, the ability to accept enforceable undertakings, the ability to apply for injunctions and the power to suspend or remove a responsible entity.

There are preconditions and thresholds which must be met before these powers can be exercised.

To ensure the accuracy of information provided to the ACNC, the bill provides a proportional administrative penalty regime.

The bill establishes an advisory board, to provide advice and make recommendations to the ACNC Commissioner in relation to his or her functions under the act.

The bill establishes a secrecy framework to ensure appropriate protections for personal or confidential information while ensuring the ACNC is able to fulfil its functions as the NFP sector's central regulatory body.

An entity that is directly affected by a decision of the ACNC Commissioner will be able to utilise full merits based review and appeal a decision to the Administrative Appeals Tribunal.

The legislation imposes certain obligations, liabilities and offences on entities that are responsible for managing the registered entity. This ensures appropriate accountability for complying with regulatory requirements.

The transitional provisions provide for a smooth transition to the new framework, including providing for the automatic registration of charities that are endorsed by the ATO unless the entity opts out within six months, and grandfathers existing substituted accounting periods.

The government has worked in close consultation with the dedicated and passionate people and organisations that make up the sector to develop this legislation.

The government has been responsive to issues raised during the extensive consultation process. The government has also taken into consideration issues raised during the House of Representatives Standing Committee on Economics inquiry into the draft bills.

The committee reported on 15 August 2012 and recommended the bills be passed subject to a number of changes.

The government has reviewed the recommendations and agreed to make various changes in accordance with the recommendations.

A new clause has been added in the bill's objects, to make clear the important role the ACNC will have in promoting the reduction of regulatory burden. This will be achieved in part through initiatives such as the Charity Passport and the development of a “report-once, use-often” reporting framework, and through the ACNC Commissioner working and cooperating with other Government agencies.

Improvements have been made to ensure that registered entities have the opportunity to respond to compliance concerns, including the introduction of a requirement to issue 'show cause' notices unless the ACNC Commissioner, considering a number of factors, believes that immediate enforcement action is necessary.

A requirement has been introduced to provide that the ACNC Commissioner must not publish details of enforcement action on the register for a period of time after the action is taken, unless it is in the public interest to do so earlier. This provides time for a registered entity to respond before such information is made publicly available. Such information entered on the register will be removed after five years, unless the public interest requires that it be retained.

A new regulatory power has been included in the bill, to provide that the ACNC Commissioner must not include certain information on the register in prescribed circumstances. The government intends to use this power to make regulations to protect the privacy of private donors, such as those who maintain a private ancillary fund. The government strongly supports the role and importance of philanthropy in the Australian community, and will ensure that the ACNC provides a supportive framework for the important contribution of philanthropists.

The provisions of the bill governing obligations, liabilities and offences of incorporated and unincorporated entities have
been redrafted to give effect to the committee’s recommendations.

These have been revised to remove any criminal liability for directors of incorporated charities. They now also make clear that where there is a non-criminal contravention of the bill, a director of an incorporated charity is only liable for any amount payable by the body corporate where this arises from a deliberate act or omission of the director involving dishonesty, gross negligence or recklessness.

Additional detail has also been added to the explanatory memorandum to clarify the ACNC Commissioner’s discretion regarding the issuing of administrative penalty notices.

Transitional reporting arrangements have been included to allow the ACNC Commissioner to treat a statement, report or other document provided to another government agency as meeting the reporting obligations of a particular registered entity under the ACNC reporting framework. This arrangement will apply until the 2014-15 financial year and can be extended by regulation.

Consistent with the committee’s recommendation, the legislation will be reviewed after five years. The review will focus on the operation of the legislation and the ACNC, and how the objects of the ACNC bill have been achieved, including the object relating to reducing unnecessary regulatory obligations on the Australian NFP sector.

In summary, the work of the NFP sector has a profound impact upon the lives of so many individuals and the communities that we all comprise.

The government is committed to working collaboratively with this important sector to implement a series of important regulatory reforms to support and strengthen the sector for the future. The establishment of the ACNC is a key step in this process.

I commend the bill.

Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012

This bill accompanies the Australian Charities and Not-for-profits Commission Bill 2012. This bill makes changes to the Commonwealth statute book necessary to give effect to the Australian Charities and Not-for-profits Commission. It also provides transitional arrangements for entities to be transitioned smoothly to the new regulatory regime.

I commend the bill.

Debate adjourned.

COMMITTEES

Foreign Affairs, Defence and Trade Joint Committee

Membership

Message received from the House of Representatives notifying the Senate of the appointment of Mr Byrne to the Joint Standing Committee on Foreign Affairs, Defence and Trade in place of Mr Laurie Ferguson.

BILLS

Marriage Amendment Bill (No. 2) 2012

Second Reading

Debate resumed on the motion:

Senator THISTLETHWAITE (New South Wales) (12:30): I have approached this issue of marriage equality in the terms of the Marriage Amendment Bill (No. 2) 2012 with an open mind, conscious of the complexity of views in the community and aware of the values and beliefs that many hold—some quite passionately—regarding this issue. I have considered the views of constituents, the opinions and circumstances of family and friends, whose opinions I value, and I have studied the approaches of other nations to this issue. I have resolved that I support marriage equality and believe that Australian law should be amended in the terms of this bill.
I consider myself to be a typical Australian male; I am a lover of sport, proud of our nation, protective of family and friends and a member of many community groups—a typical Aussie bloke, if you like. But I was first a typical Aussie child; I grew up in a community. Children in this country are born with innocence; They do not know what discrimination is. They do not care that people may have a different sexuality. This is taught to them by society and by interacting with others.

Growing up in the Eastern suburbs of Sydney I, like many young Australians, witnessed incidents of homophobia that were discriminatory and degrading to the homosexual community. I regret that, during my younger days, I did not stand up and speak out against such incidents of homophobia. I acquiesced. But my acquiescence changed when my brother told me that he was gay. At that time my beliefs about gay marriage had been formed by blokey Australian culture; but my brother's revelation made me strongly question that belief, to see things from a different perspective and ultimately reach the view that the current definition of marriage is discriminatory and outdated. His situation made me think about what it must feel like to have your sexuality ridiculed in the jokes and comments reflective of the time, and how much more difficult that made it for people like him to reveal their sexuality.

Now, on the question of marriage equality, I ponder what it feels like to have the right to an expression of love through marriage denied by our law; a right that our law grants exclusively to all heterosexual Australians. I understand that for those in loving, same-sex relationships there is an element of nonfulfilment and of incompleteness that I believe Australian law should no longer deny. It is time for Australian law to grant true equality to same-sex couples in reflection of the modern, open and welcoming ethos of our nation. It is time for my brother and thousands of other Australians to be granted the same rights as me.

My brother has been in a stable relationship with his partner longer than I have known my wife, and longer than my sister has known her husband. Yet when it comes to an expression of that commitment, his rights are inferior to mine; to me that no longer makes any sense. It is illogical that two people who have been in a relationship for over a decade, who own a house together, who are legally entitled to adopt children and betroth real and financial property to each other cannot solemnise that relationship through marriage at law, but that two heterosexual Australians who have known each other for a brief period of one month are able to marry. Such an unreasonable paradox should no longer be left to endure. The human rights of all Australians when it comes to marriage should be equal.

In reaching my view on this subject, I have been conscious of, and considered, my Catholic faith. I am an active Catholic and involved in my parish. I do not consider my decision a breach of faith or a betrayal of spirituality. I believe my views on this issue are commensurate with the themes of acceptance, tolerance and love that pervade Bible scripts and preaching. I take comfort in the fact that many fellow Catholics share this view.

We must be conscious that this legal reform we debate today does not oblige the churches, religions or spiritual organisations to offer marriage to all Australians. An exemption to such groups, which I support, is enshrined in this amendment to the Marriage Act. But I do not believe that the canons of religion should be used to deny rights to Australians at law. We are a secular
nation; our constitution promotes this principle and our laws must as well. It is fine for the laws of the churches to reflect the teachings of the Bible, the Koran or the Torah, but the laws of our nation must reflect the will of the people. At this time, when it comes to marriage I believe most Australians support a secular approach, consistent with our principles of coming together as a nation through federation.

The question of legal reform to grant marriage equality arouses deep beliefs and passions. Many Australians have expressed their views publicly and privately. Many of my constituents and others have contacted me and outlined their views and beliefs on this issue. Most have made thoughtful and passionate remarks, and I have read and considered all of them because I believe this issue, this debate and the reform we consider now to be important for our nation. I thank all the Australians who have contacted me and made their views known on this issue. I thank them for the respect and dignity they have shown in making their views known. I believe this demonstrates the maturity of our democracy and the great interest that Australians have in public policy issues.

The public mood regarding this issue, reflected in national opinion polls, has also been reflected in the representations to me. It overwhelmingly reflects the views of my family and friends, whose opinions I value highly. Australians support marriage equality. Almost all national opinion polls on this issue in modern Australia reflect the view that the time has come for our nation, and this parliament as a representative of the people, to amend the Marriage Act to grant marriage equality. I believe we as a parliament should reflect the will of the nation on important human rights issues such as this.

I note that Australians are not alone in supporting marriage equality. Our people’s views reflect those of most modern secular democracies, yet many such nations have taken the next logical step and reformed their laws to reflect public attitudes. These nations include the Netherlands, Belgium, Spain, Canada, South Africa, Norway, Sweden, Portugal, Iceland, Argentina and Denmark. Six US states and one US district perform same-sex marriages. They are Massachusetts, Connecticut, Iowa, Vermont, New Hampshire, New York and the District of Columbia. Mexico City also performs same-sex marriages and those marriage certificates are recognised in 31 Mexican states.

And the nation on whose parliamentary and legal system our nation is modelled and who constitutionally—and unfortunately, in my view—provides us with an absent head of state, and that is Great Britain, has begun the process to move towards granting marriage equality. In February 2011 the Conservative-Liberal Democrat coalition government expressed its intention to begin a consultation to allow both religious same-sex ceremonies and civil marriage for same-sex couples. In September 2011 the government announced its intention to introduce same-sex civil marriage by the next general election. If the mother parliament, with a head of state who is the head of the Anglican Church, can begin the process of legal reform to grant marriage equality, so too should its offspring parliament in Australia.

The Australian Labor Party has a proud history of removing discrimination from our laws and culture. Our legal reforms to break down cultural disadvantage and remove discrimination include racial discrimination laws, the anti-discrimination regime, native title and equal employment opportunity. More recently we have enacted a paid parental leave scheme to support working
mothers. And in 2008 the then Attorney-General, Robert McClelland, amended 84 pieces of federal legislation to remove discrimination against same-sex couples relating to such entitlements as superannuation and social security.

Many of those reforms were as controversial as the reform we debate today. Yet, in hindsight, those reforms were necessary and now enjoy overwhelming public support. They advanced human rights and moved our nation forward. I consider the issue of same-sex marriage reform in Australian law to be in the same vein as those predecessor human rights reforms. This is the next logical step in the advancement of civil and cultural rights in our nation. Many Australians have expressed to me their view that our nation will one day allow same-sex marriage—but not just yet. To me this is an illogical approach. If the belief is that it should happen one day, then why not now? I believe 10 years after this reform is introduced Australians will look back and think, 'What was all the fuss about?'—just as they have with native title laws and other anti-discrimination legislation.

In reaching this debate today our party debated and reformed our platform to allow a conscience vote by Labor parliamentarians. I am proud that our party has approached this matter in such a mature, logical fashion. A conscience vote reflects the passions, the values and the differences in deeply held views of the Australian people and shows respect for their opinions. Debates that allow conscience votes are our parliament and law making at its best. They promote research, public consultation, engagement and personal expression. The speeches of many members and senators in this debate reflect this.

Unfortunately, it appears that this reform measure we are debating today will be defeated, not because it lacks merit, not because it does not reflect the will of Australians or sound public policy, but partly because the coalition will not allow a conscience vote on this important human rights issue. This is a great shame. The coalition has denied its members the freedom and liberty they so vigorously promote. They have been denied a true Liberal approach to this debate—a definite contradiction in their philosophy and their approach. It is a great shame for human rights in our nation.

I believe that Australia is a true social democracy; a nation that promotes freedom of expression and liberty for all citizens; a people who value and advance human rights. By passing this bill before the Senate we take the next step on the pathway to equality and justice for all Australians. As we have done in the past, let us defeat our fear and our prejudice. Let us overcome social inertia. It is time to remove discrimination in our marriage laws by passing this law. I commend the bill to the Senate.

Debate interrupted.
arising from federal judges’ and the Governor-General's pension entitlements in the event of property settlements in family law proceedings. It seeks to provide for a separate interest benefit for the purposes of a property settlement.

The Judicial Pensions Act 1968 provides for a lifetime pension of 60 per cent of the income of sitting judges, including future pay rises, after a minimum of 10 years' service if judges have attained 60 years of age. On their death, their surviving spouse receives a lifetime pension at a reduced rate. Unlike other Commonwealth defined benefit schemes, however, a separate interest benefit for the purposes of a property settlement is not provided for.

Under the Family Law Act 1975, superannuation interests form part of the property of a married person or de facto partner and therefore can be split between separating parties at the time of a property settlement. Because judicial pensions have not, until now, been amenable to a split, an anomaly arises in the case of matrimonial proceedings involving federal judges. One such case has been the subject of detailed scrutiny in the media in recent times.

The bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee, which reported on 10 May, unanimously recommending that the bill be passed. It concluded that the reforms proposed in the bill align the family law arrangements for judges and Governors-Generals' superannuation interests with the family law policy of a clean break for separating couples, as well as bringing consistency to Commonwealth defined benefit superannuation schemes.

It is obviously ironic that Family Court judges preside over an arrangement with respect to other breakdowns in relationships when it comes to dividing property, including superannuation assets of a marriage, but cannot make the same determinations in respect of each other when a marriage of a judge is unfortunate enough to break down.

For judges, the current percentage-only splitting arrangements mean that any split in a family law settlement of the pension of a judge occurs only when payments are made to a retired judge. Payments to a former spouse do not commence until the judge retires and cease upon the death of the judge. There is no certainty as to the overall quantum of benefit that the former spouse is entitled to receive.

The bill seeks to resolve these inconsistencies by bringing the arrangements into line with family law policy and with other Commonwealth superannuation schemes—and they give judges and governors-general greater control over their respective individual benefits. The ability to divide superannuation is an important part of seeking a fair and appropriate outcome in relationship breakdown matters.

This issue was highlighted in a report by the Sex Discrimination Commissioner Elizabeth Broderick in 2008 when she reported that the current Judges Pension Act 1968 may be inconsistent with the objects of the Sex Discrimination Act 1984 and may also violate the Convention on the Elimination of All Forms of Discrimination against Women.

The proposal to provide for family law retirement income-splitting arrangements to apply to pensions paid to judges and Governors-General has its origins in this 2008 finding by the commissioner. She said that, as a consequence of the current arrangements for federal judges, three major disadvantages for divorcing spouses are likely: firstly, commencement of pension payments is timed with the judge's retirement.
and is therefore uncertain; secondly, for women nonmembers there may be a gap between their retirement and their entitlement to pension payments, given that men tend to work longer than women; and, thirdly, there is no entitlement to pension payments after the judge dies. Given the differential life expectancies of women and men, this means that women affected are unlikely to receive pension payments for the duration of their retirement.

I think we can see very clearly why it is appropriate that some alignment of arrangements be made between these particular servants and other servants of the Commonwealth, and other members of the community.

I note that there were 120,000 marriages in Australia in 2009 and in the same year there were approximately 49,000 divorces, so these issues arise with some frequency in the broader community and occur, as we have heard, among members of the judiciary. On behalf of Senator Brandis and myself, I commend this legislation to the house.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:49): I thank Senator Humphries for his participation in this debate and commend the bill to the Senate.

Question agreed to.

Bill read a second time.

The ACTING DEPUTY PRESIDENT (Senator Fawcett) (12:50): No amendments to the bill have been circulated. I shall call the minister to move a third reading unless any senators require that the bill be considered in a committee of the whole. There being none, Minister.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:50): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Marriage Amendment Bill (No. 2) 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator McEWEN (South Australia—Government Whip in the Senate) (12:50): I support the Marriage Amendment Bill (No. 2) 2012 and I thank my Senate colleagues for introducing the bill. I also thank the Prime Minister Julia Gillard for allowing those of us in the Labor Party to have a conscience vote on this issue.

I acknowledge and appreciate the hard work of all those who have campaigned over many years for the right for same-sex couples to marry. Unfortunately, I do not think this bill will secure the support of the Senate, so the campaign will continue and I will continue to support the campaign.

My views on this bill spring from my firm belief that people should not be discriminated against on the basis of their gender or sexuality. I am old enough to remember the process of reform of antihomosexual laws in South Australia in the 1970s. Like most South Australians, I was horrified by the death of Dr George Duncan on 10 May 1972. Dr Duncan was a gay man, a visiting academic at the University of Adelaide, who was thrown into the River Torrens by other men just because he was a homosexual. Dr Duncan could not swim and he drowned. It was a shameful time in Adelaide. I was 17 at the time and a bit naive. I was unaware that such levels of prejudice existed in our community. I could not understand why someone else’s sexual preferences could engender such vitriol and violence in others. I still do not understand...
that attitude. I am glad it is an attitude less prevalent in Australia now, but it still shocks me when I hear and see such hostile discrimination against gay people.

After the drowning of Dr Duncan, the campaign to change anti-homosexual laws in South Australian gained momentum and eventually the South Australian Criminal Law (Sexual Offences) Amendment Act was passed. I was proud of the Labor government and of the leadership of the former Premier Don Dunstan in that long battle against discrimination and for equality. I was proud that South Australians, in the end, accepted that inevitable change. This federal Labor government has also removed bias against same-sex-attracted persons in federal legislation, and I acknowledge that the opposition supported those changes. These were significant changes and it was interesting to see how those changes were passed without much rancour. The general attitude from most Australians these days is that that was the right thing to do and that people should not be discriminated against because of their sexual preferences.

I am not so naive as to believe that just changing laws will remove all the discrimination that gay and lesbian people and same-sex couples come up against all the time. That battle will go on for a long time. However, changing the Marriage Act to allow same-sex couples to marry is an important step in a long campaign for equality and for fairness. Changing the Marriage Act in the way proposed in this bill simply recognises that gay and lesbian people are like the rest of us. Their relationships mean just as much to them. They love each other. Their families are just as important to them. Their wish to have public and legal recognition of their relationship through marriage is no different to those heterosexual people who also want that recognition and demonstration of commitment. Not every same-sex couple will want to get married, just as many heterosexual couples choose not to get married. Marriage is not a precondition for setting up a family or having children. People will do those things whether they are married or not, whether or not they are straight and whether or not they are gay.

I do not accept the arguments that changing the act in the way that this bill proposes causes any harm to anyone else or will harm our children or destroy our culture. Marriage between a man and a woman does not, unfortunately, guarantee that children will be protected from harm or will always be loved or have a better life. Those conditions are set by other factors. It will not diminish anyone else's marriage or relationship with their partner and their family if gay and lesbian people choose to marry. I can find no credible evidence to support the assertions that some opponents of this bill make about the alleged harm that will be done if the act is changed. Indeed, some of the arguments against marriage equality that I have heard and read in this debate have been unnecessarily extremist, untrue and deliberately hurtful to gay people.

I respect those people who come right out and say that they oppose this bill on the basis of their religious beliefs and who do not resort to vilification and misinformation to support their position. I agree that churches and religious organisations should have the freedom to determine who they will and will not marry. This bill does not change that and, if it is passed, it will not be the slippery slope to forcing churches into marrying people who do not meet the beliefs and criteria of the church. Australians well understand the difference between a civil wedding and a church wedding and respect the right of religious organisations to set their own boundaries. No-one is challenging that right. Australians also understand, and value the
fact that Australia is a secular society. Australians expect governments to resist attempts by religious organisations, of whatever religious persuasion, to unduly influence the laws that apply to everyone who lives here regardless of their religion. Our secularity is precious and we should defend it.

Later this year I will be in the joyous position of attending the wedding of my daughter and her fiance. It is an exciting time for our families, and it will be a grand celebration of a marriage between two young people who love each other and who are able to demonstrate their commitment to each other through marriage. I am very happy that my daughter and her fiance have been able to make the choice to be married or not. I wish all our children had that choice and were not precluded from that choice because of the gender of the person they love. I am sure that eventually the time will come when we will look back on this debate and wonder what the fuss was about. As the Hon. Michael Kirby, former justice of the High Court, said: Change will come, including in the matter of marriage equality in Australia. And when it does, we will look back on the current state of the law that expressly enshrines inequality in the Australian federal statute book (as we now do on the old criminal laws against sexual minorities) with embarrassment, shame and ultimately astonishment.

I look forward to that time. It cannot come soon enough.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (12:57): I am one of the proud sponsors of the Marriage Amendment Bill (No. 2) 2012, which we are debating here today. We support marriage equality. We believe in marriage equality. We do this because we believe in fairness, justice and equality. We must demonstrate that we value everyone in our society in equal measure. Amending the Commonwealth Marriage Act to ensure equal access to marriage for all adult couples, irrespective of sex, who have a mutual commitment to a shared life will ensure that gay and lesbian Australians will have nothing less than the full privilege of citizenship. As Martin Luther King Jr said, 'The arc of history is long, but it bends towards justice.' This change is coming and, if we are not successful here, this campaign will not end here. We will not stop until we have equality.

A majority of Australians support marriage equality. A majority of those who have Christian faith have also said they support marriage equality. Australian people understand that this is a matter of providing equal rights to all Australians. This is a matter of ending discrimination. The Australian people understand that the current law is unjust. The Australian people understand that the current law discriminates. The Australian people understand that everybody is entitled to fair and dignified treatment under the law. We must reflect the wishes of the majority of Australians and do what is just and what is right.

There is support for marriage equality on all sides of federal politics, and I hope that through the Australian parliament marriage equality will be achieved. I belong to the ALP. The ALP, at its heart and its core, believes that all of us have the right to a full and fulfilling life. That is a challenge. It was a challenge when the ALP was created and it is a challenge now. We are not always going to agree on what is meant by a 'full life' and we are certainly not going to agree easily and comfortably about how to achieve it.

I believe we have to act; and, if we want to be true to our own beliefs in fairness and equality, either all human beings have the same rights or none of us have any. That is
what believing in human rights means—not rights for men but not for women, for whites but not for non-whites, for Christians but not for Jews or Muslims, for heterosexuals but not for LGBTI people. Anything else is unfair. Anything else relegates some people to second-class status. It is time for Australia to allow same-sex couples to marry.

It is greatly to the credit of the Australian Labor Party that under a federal Labor government we have passed legislation to allow same-sex couples and their children the medical, superannuation and tax concessions previously unavailable to them. I am proud of that. We did what we thought was right and fair. It is time to move again.

Having a full life means having the right to love and means having the right to follow your heart. For some people that never involves marriage. For others it must mean marriage. It is the way they declare and swear their love to the world. They want to enter into a union acknowledged by the state to which they belong as adult citizens. For me a marriage is a commitment between two adults who make this choice together. The quality of their marriage will depend on their personal commitment and determination. Not long ago people believed that people of different religious beliefs should not marry, because that could not be a good marriage. In a good many places that claim to be civilised people of different ethnic backgrounds were forbidden to marry. It was said that civilisations would fall in such marriages if such marriages were allowed. Somehow, miraculously, civilisation has survived. It is time for the next step.

It is time to amend the Commonwealth Marriage Act to allow for marriage equality. What is the problem? That gay and lesbian couples love each other? That they want the same rights as heterosexuals? Why is that a problem? If we accept that same-sex couples have the right to have sex together and live together, why on earth shouldn't they have the right to marry? Some say it is because marriage is a special institution. They are right; it is. That is all the more reason to extend the right of access to that special institution to same-sex couples. Opponents of this bill point out that marriage has always been associated with procreation, but it is also true that there has always been procreation without marriage and that there are LGBTI couples who have children and who want those children to be raised within a married union.

Families come in all shapes and sizes, all creeds and colours. Like the rest of the population, LGBTI parented families are diverse. Family members come from a variety of ethnic, racial, cultural and socioeconomic groups. The main difference between same-sex parented and heterosexual parented families is that same-sex parented families face legal discrimination and prejudice which heterosexual parented families do not face. In this debate in this place those opposing marriage equality have argued that they are doing it to protect children. In fact, I believe they are doing entirely the opposite: they are discriminating against the children of same-sex parents. A vote for marriage equality is a vote to protect and promote the rights of children.

Children deserve the relationship between their parents to be legally recognised. Extensive research on gay, bisexual and transgender parented families highlights that the number and sex of adults in a household has no significant bearing on the children's wellbeing. It is the happiness of the relationship between adults in the household and the openness and warmth of communication between the adults and the children which have the major impact on the child. This shows that strong, happy, caring relationships where parents love their child is
what is important, not the gender or sexuality of the parents.

Our families are complex. Happy children are raised in households where there is only one biological parent or where neither parent is a biological parent, and there are unhappy children raised by two biological parents in lawful marriages. We have known for a long time—for centuries—that procreation is not the prime purpose of marriage. Who would tell a loving couple without biological children of their own that their marriage is not a true one? Do we tell people who cannot have children that their marriages are meaningless? Do we require them to divorce if there are no children? If we are civilised human beings, we honour their relationships because we honour their love.

There are those in this place considering voting against this bill because they believe it is their duty to protect the institution of marriage. Though they are entitled to their views, I ask them to deeply reflect on what true marriage really means. What is at its core the institution of marriage? We are privileged to live at a time and in a country where marriage is entered into and defined by love. This in the context of history is only a very recent development. In past times marriage was a transactional relationship based on the transfer and inheritance of property, to continue a family line or to shore up ethnic or religious identity. If we think of what marriage means in Australia today and what we wish marriage to be, we think of words such as partnership, kinship, union. We think of two people bound together by love and a shared commitment to one another who want to share a life together. Surely the addition of people who love one another, who care deeply for one another and who wish to express this to each other and the world by entering into the institution of marriage serves only to make this institution stronger.

Some say that legalising same-sex marriage would normalise homosexuality. Is there something wrong with that? Do we really want to send to LGBTI people the message that their sexual preferences make them abnormal people marked out as less acceptable than others? Haven't we learned anything from the misery that was inflicted on countless people for generations for the crime of loving differently?

It has been argued that same-sex marriage negates what marriage is and what it is for, as though everybody everywhere has always agreed on this. There have been many times and places where marriage was a property arrangement depriving women of legal existence. That view of marriage is not worth protecting. The understanding of marriage that is worth protecting is that of a loving union between consenting adults. In the case of same-sex marriage there is more than consent; there is a passionate belief in the institution of marriage and in the commitment that it involves.

Difference often creates fear. I understand that. But we should not be ruled by our fear, and the state certainly should not encourage it. It is time for the Australian state to have the same degree of social acceptance of same-sex marriage as the Australian people. It is time to help LGBTI Australians enjoy full human rights by showing that the Australian state acknowledges and respects their right to form a legal union.

Hell has not broken loose in Canada, Norway, Spain, Portugal, the Netherlands or in any other state or nation where same-sex marriage is allowed. Some say that, while hell has not broken loose, there is no need to allow same-sex marriage. Why don't they just live together? Why bother with marriage? I think the answer to that is very simple: because they love each other and they want that love given official recognition.
and protection. There are people for whom marriage does not matter—lots of them: men, women, straight, gay. Nowadays, most of us are not concerned when unmarried people live together. A few decades ago, they were told that they were 'living in sin'. People also said that society would be destroyed if people believed they had the right to have sex before marriage. People counted back on their fingers if a child was born fewer than nine months after a marriage. Harsh words were said.

Gradually, we came to know better. If someone told you now, in shocked tones, that a child had been conceived out of wedlock, you would wonder what was the matter with them. Perhaps you would tell them that times have changed and that what really matters is whether or not the child is loved and protected. Perhaps you might also point out that this is not an area where any of us really wants to live in the past. For those with open hearts and minds it is time to honour the love of same-sex couples.

I wish that people whose hearts and minds are closed would have the experience that I have had of meeting with the parents of honourable, decent men and women who love, with all their hearts, people they are told they cannot marry. These parents are members of PFLAG: Parents and Friends of Lesbians and Gays. They love a daughter or a son who is lesbian or gay—and they wish that we, here in the Australian Parliament, would allow that child the same right to marry as their heterosexual children, because they love them equally and they cannot understand why we treat them differently. They want all their children to live their lives with openness and dignity, to have the same rights and opportunities.

In this debate there have been some who have peddled the lie that the move for marriage equality is a push by 'militant lobby groups'. This type of argument was used to demean other movements throughout history—movements like the suffragette movement and the civil rights movement. We now look back on leaders of these movements as heroes, people standing up for what is right and affecting change for the better. Supporters of marriage equality are made up people of all backgrounds. When we look to the voices that have joined the call for marriage equality, we see teachers, doctors, nurses, labourers, office workers and police officers. We see mums, dads, sisters, brothers, neighbours, friends, strangers and our parliamentary colleagues joining together. This is a grassroots movement, a call for justice and equality. And I add my thanks to the Rainbow Labor network, particularly the Tasmanian branch members Robbie Moore and Matt Hastings for their friendship, advocacy and hard work.

As parliamentarians we can no longer deny some Australians the right and opportunity to marry because of outdated ideas about who constitutes a suitable marriage partner. It is time to understand that, although there are many things from the past that we need to conserve, attitudes towards same-sex marriage are not included. Those attitudes do not serve the greater good. They serve only to keep narrow minds closed. If we remove the impediments to same-sex marriage, the only walls that will tumble down are the walls of prejudice and bigotry. They are the walls screeching at us: 'I don't understand you because you're not the same as me. And because you're not the same as me, you're less than me. So your love must be less than my love, less worthy of respect, understanding and acknowledgement.'

An amendment to the Commonwealth Marriage Act will ensure that Australia remains a country which promotes equality, fairness and dignity for all its citizens. For
me, as a member of the Australian Labor Party, belief is not enough, and I am here to promote fairness and dignity. Everybody, all Australians, are entitled to fair and dignified treatment under the law in equal measure. That means it is time to change a law that serves no moral purpose, that serves only to discriminate against people who have done nothing wrong. The same-sex couples watching what we do and say here respect marriage as an institution. They should be allowed to marry if they want to.

Marriage will survive. Indeed, it will be strengthened. Australia will survive. It will be strengthened, too, by showing that we truly believe in respecting all citizens. I urge you all to think deeply about the core principles of our fine country. I urge you all to reflect on the meaning of justice, the meaning of fairness, the meaning of equality, the meaning of love, because, when it comes down to it, that is all this is. It is very, very simple. It is saying to all Australians that, in the eyes of the law, we have all the same rights, we are all equal.

Senator MARSHALL (Victoria) (13:11): Let me commend Senator Brown's excellent contribution to the Senate. Senator Brown is co-sponsoring the Marriage Amendment Bill (No.2) 2012 before us today, along with Senator Crossin, Senator Pratt and me.

As much as any other issue that I have addressed in my time as a senator, I am confident that on this issue I will be judged to have been on the right side of history. As recently as 1997, the year we were introduced to Darryl Kerrigan and his scepticism about the value of jousting sticks, homosexuality remained illegal in Tasmania, a legal divorce had yet to be granted in the Republic of Ireland and you could still smoke a cigarette in pubs and restaurants right across Australia. It is incredible to think how far our attitudes have shifted and almost impossible to conceive of going back to the way things were a scant 15 years ago. I am proud to say that the Australian Labor Party has kept pace with this change.

For the benefit of senators who were not present at last year's ALP National Conference, I will inform the chamber of the items inserted into the ALP national platform under the heading of 'Removing discrimination': Labor will ensure that all couples whether married or de facto do not suffer discrimination; Labor will amend the Marriage Act to ensure equal access to marriage under statute for all adult couples irrespective of sex who have a mutual commitment to a shared life; and these amendments should ensure that nothing in the Marriage Act imposes an obligation on a minister of religion to solemnise any marriage. Same-sex marriage is Labor Policy.

Today, most Australians understand that marriage at the most fundamental level is about a lifelong relationship based on love, commitment, responsibility and respect. As poll after poll shows, the majority of Australians understand that this definition of marriage, their definition, easily encompasses same-sex partners. Marriage equality is an issue with tremendous momentum in terms of popular sentiment. Approximately two-thirds of Australians now support marriage equality, up from 38 per cent in 2004. And it is fair to assume that, regardless of what happens in the Senate today, marriage equality in Australia is an inevitability.

I have listened with interest to a number of speakers on this matter but I am yet to hear an argument against marriage equality that could justify the disregard that is being shown by some toward the views of the clear majority of Australians. What I have heard have been uncritical appeals to tradition,
vague and unsupported suggestions that same-sex marriage would somehow detract from marriages that currently take place and quite bizarrely an argument on the basis of discrimination. I wish to address each of these arguments in turn. It is important for us to be informed by history, but we should not be constrained by it. While the institution of marriage has long been of central importance in cultures all over the world, it has not remained static. As societies have evolved, so has marriage.

The popular contemporary definition of marriage I provided earlier has not always applied. Marriage has not always been about a relationship built on love and commitment. Less than a century ago women were seen as chattels or property for transaction through a marriage contract, no provisions were made for no-fault divorce, and marital rape exemptions existed until the mid-1980s. Mixed race marriages were prohibited on the basis that having 'mixed blood' children was seen as a threat to the preservation of distinct racial lineages. Dowries needed to be paid and women were subservient in every respect to their husbands. This is to say nothing of the other barbaric marital traditions that have happily been consigned to history such as the Indian tradition of suttee where a newly widowed woman is compelled to immolate herself on her husband's funeral pyre.

The argument against marriage equality on the basis of tradition is based on superficial logic and ignores those aspects of tradition that are inconvenient. But worse than the misguided adherence to tradition is the suggestion that marriage equality would somehow erode the value of heterosexual marriages that are recognised currently. Just once, I would like to hear a cogent, convincing explanation of why this is so. This is no idle curiosity on my behalf. If same-sex marriage will cause real, demonstrable harm to married heterosexual couples, I would like to know how.

As John Stuart Mill put it in his philosophical work *On Liberty*:
The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.

Such is the justification for the banning of smoking indoors and in public areas.

But what harm is caused by same-sex marriage that could justify the ban that currently exists? How does the legal recognition of the love between two people of the same sex negatively impact upon the lives of others? Is there a same-sex marriage equivalent to passive smoking? Could such a thing ever be considered harmful?

Let us not forget what our role is in this chamber. We are here to consider and debate the legislation of the Commonwealth of Australia. Let us also not forget precisely how marriage is viewed by this legislation. As far as the law is concerned, marriage is a contract between two people and the state. It is not a contract between two people and a religion and it is most certainly not a contract between two people and everybody else. The suggestion that a marriage contract between two people somehow detracts from a separate marriage contract between two otherwise unrelated people is ludicrous.

The third argument I have heard in opposition to marriage equality was made on the basis of discrimination. Perversely, it was not made on the basis that marriage equality is itself discriminatory. Instead, it was made on the basis that marriage equality would lessen the ability of the community to discriminate against members of the LGBTI community. Of course, it should go without saying that a reduction in discrimination on the basis of sexuality is actually a desirable outcome. But, even putting this aside, there
is nothing in this legislation that compels an individual citizen to privately acknowledge the legitimacy of a same-sex marriage in terms of their personal beliefs. In fact, this legislation has been drafted with the express intention of ensuring that no minister of religion can be compelled to solemnise a marriage, same-sex or otherwise.

Australia has come a long way towards eradicating legal discrimination against gay and lesbian people, but as long as same sex marriages are not recognised, we cannot claim to have finished the job. Whilst I am yet to hear a cogent and convincing explanation of the harm that same-sex marriages will cause to others, there is no doubt that discrimination against people on the basis of their sexual orientation has very real and sometimes tragic consequences.

The people who would be directly and profoundly affected by this bill are almost universally in favour of it. Those opposed to it will be completely unaffected or at least unable to articulate the harm that they maintain that a same-sex marriage will cause them. In this context, I fail to see how the parliament’s continued opposition to marriage between people of the same sex can be justified. Whilst almost every facet of the institution of marriage has evolved over the years, there can be no question that same-sex attraction is, and always has been, a natural and normal feature of humanity. There can be no question that same-sex attracted people love each other and there can be no question that some same-sex attracted people have a desire to commit to each other for life, to the exclusion of all others, in a public ceremony that is recognised by the state.

There has been a lot of debate on this legislation and the depth of feeling on both sides of the argument has been plain to see. However, there is one point on which all present here and all participants in the debate seem to agree: that is the important and beneficial role that the institution of marriage has within our society. If marriage is such a valuable institution, if it is responsible for even a fraction of the social good that so many on both sides of this argument maintain, then surely we must make the institution of marriage available to be enjoyed by all members of the Australian community.

**Senator MOORE** (Queensland) (13:21): I am supporting the legislation before us, the Marriage Amendment Bill (No.2) 2012. I am not married but I could be provided I chose someone who identified not as a woman. In terms of the process, in the same way that I can marry I can vote, I can actually take out a loan, I can receive social security payments and I can walk freely in the streets of the city. All these rights were not automatically gained. Looking back over the history of our nation and other nations, whenever there was a need to establish a right for any person in the community, there was a process that it had to go through. People had to identify the right that was involved. They had to see why they thought that right was necessary, they had to do their work to investigate the background, they had to work with the community and then in most cases they had to talk with the politicians of the day to ensure that the politicians were able to reflect appropriately the needs of the community. In that way rights have been achieved and it is important that we see this outstanding need: the human rights issue that gay and lesbian people have talked to us about as their political representatives and said, 'We want this right the same as anybody else in the community.'

Australia justifiably promotes our human rights history. We are the signatory to a number of human rights conventions. We celebrate our successes and we exhort other countries to follow our lead, to talk about
freedoms and rights and equity. Indeed, in many ways for gay and lesbian people there have been great advances and we have talked about those things in this parliament. We have talked about the fact that we have identified discrimination and then we have talked to the community, we have listened to what they have said and we have made laws that appropriately reflect these changes. But somehow there still seems to be a particular debate about the term, the institution of marriage.

Several years ago when in this place this parliament made changes to the definition of marriage to make it absolutely clear that lesbian and gay people would not be able to marry in this country, I agonised at that time over whether I would speak in that debate. In the end I did and my argument was I was so upset and angered and hurt by the level of hatred and discrimination that came out in that debate. We had a result in that process and we have moved forward to today when we are actually having a chance again to look at the issues around the rights of gay and lesbian people to marry in our community. I acknowledge that there has not been, I believe, the degree of vitriol and hate in the debate at this time as there was several years ago, so I think we have moved forward, and that is important. However, what I ask of our community and what I ask of our parliament is this: why are we so determined not to make this change?

I come from a very large Irish Catholic family. We celebrate everything that happens in life and we really do enjoy a good wedding. We enjoy a marriage and we actually celebrate it. We celebrate it when it occurs. We actually mourn the fact that many of these marriages do not last, and the statistics are clear. In our community we know that every marriage is not a permanent commitment before our god, which is something that people claim as theirs. We also shamelessly speculate as to the motivations of the marriage and speculate about its success rate. I do not know the absolute motivation of the 26,530 marriages that were actually registered in Queensland in 2010. I do not know what caused those couples, men and women, to go before whatever form of process to make their formal commitment to each other. I do not know why they did it in an all those 26,530 cases. I know that only about 25 per cent of those cases actually had any form of religious ceremony. Most of the people in my state decided that they wanted to publicly proclaim their togetherness, their commitment and their marriage not in a religious form. We acknowledge that and that is part of our public law.

To all those people who have emailed, phoned and written to me with their views—and I thank you—I want to say: I have read every one of those emails and I acknowledge the rights of every one of you to give your opinion and to suggest, direct and, in some cases, demand that I respond in a way that you want in this debate. What I say to all of you is that everyone has the right to put their views forward.

We in this place will be voting in this process, in a short time I hope, on what will happen in the parliament. What I do not understand, amongst the many views I did receive, is the view that somehow making a change to the Marriage Act will impact on the integrity, the sanctity and the reality of marriage vows at the current time. I have never understood if two people make a commitment to each other to a loving relationship into the future why that will impact on anybody else in our community in making their own choice—an argument that Senator Marshall has just made in his previous contribution. This seems to have been an ongoing issue coming forward in the correspondence of the people who have
written to me while feeling that their marriages will be somehow affected by any change in the definition that this parliament puts through. I firmly believe that the decision to marry is very personal. I firmly believe that everybody will make that decision in their own way for whatever reason. By far the majority of the people who have spoken to me have talked about the fact that they wish to share their lives into the future and that they have a love and a commitment to each other which they wish to publicly proclaim. That is the hope that I have for the people who have asked us to give them our trust and to move forward with this decision about the status of gay and lesbian people in marriage.

I remember amongst all the weddings that I have attended two particular occasions. One was when I was quite young. I went to a wedding ceremony and I noticed that only half of the church was full. I asked people around me what had occurred and I found out that the decision of these two people was that they would marry outside their own religious basis, so only half of the invited guests turned up. I went back and I said to my family, ’It wasn’t the same. There was not the joy, there was not the celebration and there was not the pride in the ceremony.’ Quite recently I attended another service in Brisbane of two of my close friends who are gay and who wished to have a ceremony for their commitment to each other. There was joy and pride at that ceremony but there was also fear because one of the people involved in this ceremony was employed in an area whereby if anyone had found out that she was actually going through a commitment ceremony, with the hope of having the marriage blessed, that person could lose her employment. That is not an equitable way of living, of celebrating and of having a process in 2012 in this country.

I particularly want to thank the people from Rainbow Labor in Queensland and my friend Sean Leader, who has kept me informed and supported and has given me the strength and the trust of people who are prepared to tell me their stories, often very painful stories about their past and what they hope for the future. I say to them: I thank you for your trust in giving all of us in this parliament the opportunity to hear those and, hopefully, to be able to make decisions that reflect your need.

I also particularly want to thank the people from PFLAG who have given us wonderful information about being parents and friends and family of people who are gay and lesbian and saying directly to us, ‘Why can’t our family have the same opportunity as everyone else to do that celebration?’ That celebration I talked about that happens in my family.

To all the people who are involved in this debate I thank you for actually having the strength to put forward your arguments, to listen respectfully to other arguments and to genuinely think about the issues that are in front of us. We need to continue to have this debate because this will not go away. We as a community, as a parliament and as a country have a commitment to our citizens that we will maintain a sense of equity and justice for everybody in this community. We will ensure that their issues are considered, that their aim and goal of true equality will be acknowledged by their parliament and that people will be able to celebrate and join in their own commitment.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (13:30): I stand to speak in favour of the Marriage Amendment Bill (No. 2) 2012. This bill seeks to amend the Marriage Act 1961 to establish marriage equality for same-sex couples by amending the current
The definition of man and woman to two people, thus removing gender specific terms. Importantly, this bill outlines that a minister of religion, a person authorised under state or territory law or a marriage celebrant is under no obligation to solemnise a marriage where the parties are of the same sex.

I understand that a lot of people have a great deal of passion for this subject, but I must confess that I am not among them. I understand that a great number of people have worked very diligently and in a very focused way to make sure that this matter has come before the parliament, but I must confess that I am not one of them either. But the matter is before this parliament and it is before us as members of the Australian Labor Party to make a decision based on our own conscience and, on that basis, I am here to declare my support for the bill and to explain my reasoning for that.

I am a Catholic having been brought up and schooled in its traditions. I married my wife in the Catholic Church and I continue to profess the faith of my forebears. In the Hon. Michael Kirby’s submission to the inquiry of the Legal and Constitutional Affairs Legislation Committee into the Marriage Equality Amendment Bill 2010 he stated that only one-third of marriages in Australia today are solemnised in a religious ceremony. The argument that marriage belongs to the church can no longer be justified. It is my firm belief that in Australia, a secular society, religious doctrines should not be enshrined in our laws. It is clear in section 116 of the Australian Constitution that Australia has an essentially secular legal character, notwithstanding our cultural indebtedness to our Judeo-Christian values and morals. I must say, having heard the contribution of Senator Thistlethwaite, that I thought he summed up my own views on this subject very eloquently.

The Second Vatican Council declared that 'man is bound to follow his conscience faithfully in all his activity'. I am aware that many see the use of conscience as a cherry-picking tool of Catholic teachings but, to me, Matthew 7:12 provides the crux of all of Christ’s teachings: ‘So in everything, do to others what you would have them do to you.’ Dr Daniel Maguire, a United States theologian and professor at Marquette University, a Jesuit institution in Milwaukee, has written on Catholic Church teachings and sexuality. In fact his pamphlet entitled A Catholic Defense of Same Sex Marriage I would commend to all of my coreligionists. He has said that church leaders are misrepresenting catholic teaching and are trying to present their idiosyncratic minority view as the Catholic position and it is not. He went on to say:

… Most in the church have moved on [to] a more humane view on the rights of those whom God has made gay.

He continued:

Most Catholic theologians approve of same-sex marriage and Catholics generally do not differ much from the overall population on this issue. That is certainly true for me. I also note that the Democrats in the United States have in recent times taken on this debate with eloquence and with dignity. Nancy Pelosi, the House minority leader in Washington, has said that her Catholic faith compels her to be against discrimination of any kind and thus same-sex marriage. Ms Pelosi said:

My religion … compels me to be against discrimination of any kind in our country, and I consider this—

‘this’ obviously being the marriage arrangements prevailing in the United States—
a form of discrimination. I think it's unconstitutional on top of that.

President Obama has said on the issue:
... [Michelle and I] are both practising Christians and obviously this position may be considered to put us at odds with the views of others but ... when we think about our faith, the thing at root that we think about is not only Christ sacrificing himself on our behalf, but it's also the Golden Rule, you know, treat others the way you would want to be treated.

He continued:

Over the course of several years, as I talk to friends and family and neighbours, when I think about members of my own staff who are in incredibly committed monogamous same-sex relationships, who are raising kids together. When I think about those soldiers or airmen or Marines or sailors who are out there fighting on my behalf, and yet feel constrained even now that Don't Ask Don't Tell is gone because they're not able to commit themselves in a marriage, at a certain point I've just concluded that for me personally, it is important for me to go ahead and affirm that I think same-sex couples should be able to get married.

In coming to this view President Obama said that he was sensitive to the fact that, for a lot of people, the word 'marriage' has very powerful traditions and religious beliefs.

I also want to note that, throughout the conduct of this debate, the Australian Greens party has taken care at every point to make sure that they have attacked the Prime Minister and the Australian Labor Party. This is no surprise. It is an old adage and a lesson of history that Bolsheviks always attack Mensheviks before they attack tsarists. But on this occasion the sneering contempt of the Greens party for religion and for people of religious conviction has been on full display. The intolerance of the secular puritans in the Greens party must be opposed. In Senator Milne's speech on Monday she criticised the National Secretary of the Shop, Distributive and Allied Employees Union, Mr Joe de Bruyn, for his deeply held views and for his articulation of those views at the ALP national conference and at other open forums. And Senator Milne criticised the Prime Minister—the same Prime Minister who courageously persuaded the ALP national conference to adopt a conscience vote.

What a cheek! What a cheek, because ultimately these criticisms flow from the conceit, indeed the narcissism, of the Greens that this issue is theirs and that it is all about them. Of course it is not; it is about justice and about us reaching a reasoned decision about what is best for our community.

It has always been my conceit, it has always been my belief that the Australian Labor Party's national conference is the crucible for national debate in this country. And I discovered on Monday that Senator Milne obviously agrees with me. She obviously agrees with me because she spoke at length about the ALP national conference, and I might say that she spoke in terms where she tried to set herself up as the shop steward for the opinions of the ALP rank and file. One thing I am very confident of is that whether one attended the ALP national conference and supported the views of Mr de Bruyn or whether one attended that conference as a delegate and supported the views of Rainbow Labor, one thing that unites all of them is a great confidence that they do not need Senator Milne and the Greens to serve as their shop stewards.

Senator Milne's conspiracy theories about the Prime Minister, Mr de Bruyn and the issue of marriage equality do not deserve any forensic response. We all know the Australian Greens are partial to a good conspiracy theory—or, as Senator Sinodinos revealed recently, they are even partial to a bad conspiracy theory. But Senator Milne criticises Mr de Bruyn for his views, which he articulated in a public, open and broadcast ALP national conference. This is an affront that deserves a response. What a contrast it is
to the Greens, to have the open processes of the democratic ALP attacked by those who come from a secret society. A confederation of protest groups and political fringe groups that call themselves the Australian Greens meet in secret.

And what a shame it is that they meet in secret. Senator Milne talks about the ALP delegates who voted this way and ALP delegates who voted that way, and Senator Milne talks about ALP delegates who abstained and backroom factions. It is a tragedy for all of us that the Australian Greens hold their conferences and their votes in secret. Imagine the entertainment if they were to hold them in public! The media and the broader community would love to watch the various kooks and crazies of the Greens debate their superstitions, conspiracy theories, plans for alien engagement and proposals for one world government, but, alas, they meet in secret and that scrutiny cannot be made of them. Mr de Bruyn's most dramatic speech would be as nothing if the media could look at the wheeling and dealing that would attend a Greens conference.

Let me finish this point by saying this: the exhortations of the Greens about the ALP, its processes and its debates are as nothing and cannot possibly deserve or merit a response while the Greens continue to meet in secret and forbid public scrutiny of their internal deliberations and their internal decision-making.

What a contrast all of that is with Rainbow Labor. Rainbow Labor adopted a strategy of persuasion and engagement, rather than denigration. This has done them an enormous credit, and they are obviously can, with great pride and a sense of satisfaction, look at their political accomplishment—that is, by bringing this issue, successfully, ultimately to the ALP national conference they won this debate in the crucible of national debate.

My support for this bill comes from what is clearly outlined in section 47: that nothing in this bill or in any other law requires an authorised celebrant, being a minister of religion, to solemnise any marriage. I have always advocated that this provision is a necessary part of any move to legalise same-sex marriage. This amendment makes clear provision that no marriage celebrant, whether a minister of religion or a civil celebrant, can be forced to conduct a marriage ceremony that is in violation of their conscience. Marriage celebrants would be protected against the possibility of prosecution under antidiscrimination law if they decline to conduct a same-sex marriage under this amendment.

A conscience vote on this issue is essential to this bill's success. That great reforming South Australian Premier Don Dunstan, who 40 years ago passed the first laws decriminalising homosexuality in Australia, did it in stages. It came about by way of a series of conscience votes on private members' bills, such as this, rather than by way of government legislation, that senators and those in the other place were bound to support. I think this is a sound precedent.

If those opposite were truly conservative they would argue that all couples in committed relationships should marry for the societal and civic advantages that lifelong commitment brings. I note that those opposite will not be voting according to their conscience on this bill and I think that is a real shame. It is also interesting that the Liberal Party go out year after year and attacks the Australian Labor Party for our pledge, for our custom of binding on votes while extolling virtuously that they are free to vote with their own conscience. Yet now
that the rubber has hit the road, we find those opposite are in fact those who are bound by the chains of obedience to their leader. Free will in the Liberal Party is, at least for the moment, dead. I would finish that point simply by saying: no more grandstanding on that particular debating point from the coalition.

Senator Humphries interjecting—

Senator FEENEY: I will take that interjection. You are perfectly right. The pledge normally does prevail, but on this critical issue it has not, and I think that was the right decision by the Prime Minister. I think that has been well articulated.

In researching this topic I came across a document entitled '10 Reasons why Christians should support same-sex marriage'. I have to confess it came from a Canadian website, but I will attempt to put an Australian spin on it. It says:

Why Christians should support same-sex marriage.

1. Christians support equal rights for all [Australians].
2. Christians have long benefited from the freedom of religion in [Australia], indeed that is why many came here.
3. Modern Christians realise that marriage is not based only on procreation.
4. Christians should support marriage.
5. Christians realise that the Church has been discriminatory in the past and would want to seek amends for that.
6. Christians realise that marriage has never been a static institution, and therefore there is no reason that it should be now.
7. Christians support the separation of Church and State.
8. Christians have long known that the Church should not determine the laws of our society.
9. Christians are committed to justice.
10. Christians believe in the supremacy of God, not the supremacy of government.

Passing the Marriage Amendment Bill (No. 2) 2012 to remove discrimination and to allow two individuals, regardless of sex, sexuality and gender identity, the opportunity to marry will create what the constitution intends, that of a separation of church and state. This bill is fair and it strikes a balance ensuring legal acceptance for everyone's beliefs and values. I commend the bill to the Senate.

Senator URQUHART (Tasmania) (13:44): On the 11 January 1975 I married the person I love and each year on that day we are able to say to one another, 'Happy wedding anniversary'. We have two wonderful children and four gorgeous grandchildren. Our family is everything to us. Our daughter's wedding was a priceless occasion. This is the third time I have risen in this place to speak in support of marriage equality—to give all families, all couples the special moment of a marriage ceremony, of being part of an institution that, yes, has been around in many different forms throughout human history.

In the lead-up to the ALP's national conference I spoke on the need for the conference to change our platform to amend the Marriage Act to allow any two adults, regardless of sex, sexuality or gender identity, the honour and privilege of standing in front of their family and friends and making a commitment to each other; to allow the children of a couple in a same sex relationship the stability of knowing that their family is just as special in this country as all other families; and to allow the community to celebrate the love and commitment of two Australians.

I have shared the stories of Jenny, Jen, Peter, Martine and Maxine in the hope that it would add some dignity and some human faces to the campaign to remove this legislated discrimination—discrimination
that the 42nd Parliament did so well to expel. In 2008 the 42nd Parliament removed discrimination against same-sex de facto couples in over 85 pieces of Commonwealth legislation. But it fell short of amending the Marriage Act to support equality for all. And so the campaign continued.

In Tasmania, the campaign to end this discrimination was led by Robbie Moore, our Rainbow Labor Convenor. I have known Robbie for many years. I knew him when he was in a heterosexual relationship. Since he has been in a same-sex relationship, I have seen him the happiest in all the time I have known him. Robbie's family are featured in an advertisement in Tasmanian media calling on support for marriage equality. This shows the love for their son and is something all parents can learn from. For Matt and Robbie, marriage equality means that they will be equal in society's eyes, and any excuses used for discrimination will be eliminated. When this positive reform is achieved it will allow Matt and Robbie to share with their family and friends a wedding day. Matt and Robbie have attended the weddings of their brothers and sisters. Their siblings have been able to share that private, special day with their families. And yet we bar Matt and Robbie from doing the same.

Robbie's tireless lobbying, together with the entire team from Rainbow Labor, is part of the reason we have this bill here today. Labor members from across the country and from across the spectrum of unions have rallied together to end this discrimination. As the 43rd Parliament, we should heed this call and remove this final piece of discrimination. In a recent speech I outlined why my Labor values and the values of so many Australians are compatible with support for marriage equality. I told of how Labor values of fairness, equality, family and compassion fitted naturally with support for marriage equality; and of how Labor is the party of progress, the party of reasoned and logical government and why this reform fits as a true Labor reform. I congratulate Senators Brown, Pratt, Marshall and Crossin for their bill. It is a comprehensive bill and reflects the work done by the Legal and Constitutional Affairs Senate Committee under Senator Crossin's leadership.

I acknowledge that this debate is difficult for some, that the community is divided and that for many overcoming long-held prejudices is tough. That is why I approach this debate with my Labor values at the fore. There are honest, decent, hardworking Australians who want nothing but acceptance in our society. There have been arguments put forward against reform, but I believe that these arguments are easily refuted and I am encouraged by polling on this issue that indicates that the clear majority of Australians also feel the same way.

In the lead-up to the debate on the Same-Sex Marriage Bill in the Tasmanian parliament a column appeared in the Launceston Examiner. In her regular column conservative columnist Claire Van Ryn wrote that a campaign being run by some Green groups on 'preserving the Tarkine' should also then apply to 'preserving the institution of marriage'. Ms Van Ryn claimed that the state government was wilfully throwing away the 'heritage values' of marriage, and that the state government was: … trying to topple the way things have been for millennia (like the Tarkine) just so that a minority can have a look in.

Her main argument was eloquently dismantled by a young man from Spreyton in Tasmania. Lochsley Wilson, a senior college student, wrote an article for ABC Open to refute Ms Van Ryn's arguments. Regional Tasmania is not known as the most forgiving place for young homosexuals. Things are getting better, but for Lochsley to air his opinion on a major online news source was
incredibly brave. Lochsley simply said that everyone can access Tasmania's wilderness but not everyone can access marriage, that this is an issue about people being discriminated against based on their biological characteristics, and that marriage has changed from once not allowing people of different races to be married. Thankfully we have moved on from there. Van Ryn concluded her column by disagreeing with the LGBTI 'lifestyle', whatever that actually means, and not seeing the need for a marriage contract between two loving Australians. Lochsley pointed out that it doesn't matter whether van Ryn approves of the LGBTI lifestyle—that that lifestyle is private; it is the business of no-one but the couple—but that her discriminatory discourse is destructive. It is destructive to the loving same-sex couples who long for a legally recognised wedding, just like everyone else. As long as there is legislated discrimination in our country, it fuels the homophobia that so hurts Robbie, Matt and Lochsley; all decent human beings. That hurts their families and friends.

In concluding my remarks today I quote Tasmanian Labor Premier Lara Giddings who said when introducing a bill for marriage equality in Tasmania:

There comes a time when no amount of excuses should stand in the way of doing what is right.

I believe that allowing same-sex couples the right to legally marry like everyone else is doing what is right. This positive reform will improve the wellbeing of so many of our fellow Australians. This debate is about people. It is about love. It is about growing acceptance in our community. We must comprehensively move to end all legislated discrimination in this country. While it unfortunately will not happen today, we need to continue the campaign. We will one day allow same-sex couples the ability and the honour to celebrate their wedding anniversaries just like I can. One day we will allow them to say to their loved ones, 'Happy wedding anniversary'. I will vote in favour of this bill.

**Senator LUNDY** (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (13:52): Some critics seem to believe that legislating for equal marriage is simply a flight of fancy, a social experiment undertaken on a whim or change for the sake of change. Nothing could be further from the truth. The debate we are undertaking is important to Australians who want their relationships recognised as equal, and there are many of those among my constituents. They have written to my office, they have come in to speak to me and they have stopped me in the street. Some are people who have already spent lifetimes together and want their relationships recognised for the marriages they have always been; others come wanting to make a commitment to that same journey. All of them have stories about love and a commitment to a shared life.

It is the hope for a fairer and more welcoming Australia that resides at the core of these stories. That is compelling in itself; but this message has a much broader audience than those individuals seeking to make a commitment to one another. The most difficult of the letters I have received on this issue are from those who write about the devastating effect the discrimination embedded in our Marriage Act has on the lives of individuals, especially young people. Last year I received a letter from one of my constituents that captured this devastation, and I would like to quote from that letter. She wrote:

From a very young age I knew that I was attracted to girls, but I was also taught from a very young age that this was wrong. The only
laws I knew was my father's law and god's law, and they were one in the same. As the pastor's daughter, not only was I constantly exposed to the hatred of LGBTIQ people, but I was expected to exemplify it. At first I thought I could teach myself not to be attracted to women. I kept a rubber band around my wrist, and every time I thought about a girl I pulled back that band and let it snap my wrist. This self-corrective behaviour led to extremes of cutting and deprivation of food.

By the time I was in my early teens, I no longer had an answer. I had lost my faith and everyone around me seemed to condemn me for what I was, and it was something I knew I couldn't change. In the darkest period of my life, I often contemplated suicide and would regard it as my solace.

It is an awful story contained in this letter, but its themes are reflected in the experience of countless others. Another of my constituents shared his story, and I again I would like to quote from the letter I received. My constituent wrote:

I grew up in a small town in rural NSW and like most LGBTIQ people moved away straight after graduating high school. I came to Canberra which was a reasonably long way, but in the digital age it doesn't take long for news to make it back. In Canberra I learned to love and had my heart broken, I surrounded myself with loving friends and could finally be myself.

On a trip home in a university break I went out to the pub where I'd worked the summer after high school. Whilst having a beer with my sisters I was made to understand through threats of violence that people like me were not welcome there, that my sexuality which they had 'discovered' over social media made me unwelcome in a place I'd once been employed. The guys behind the threats had been acquaintances and school mates for years. It was difficult, but it only confirmed something my teenage self knew intuitively, that there was no space for me to be fully myself in a town that I had spent 18 years of my life growing up.

Marriage equality isn't that important to me personally now, I know the value of my relationship now. It is none-the-less important. Equality in our laws would have been a message to my teenage self, and the countless other young people who live their teenage lives scared and isolated in rural and regional Australia, that it was those few people who made my town unliveable and not me that was wrong.

Changing the Marriage Act will not make all people equal in the eyes of the entire community.

These amendments simply remove the discrimination from our laws. They speak clearly to the young men and women who have expressed their view that their government does not believe the messages they are hearing in their communities. This may not seem like a big deal to some, but it has been at the heart of the majority of the letters I have received.

So many of the people who have written to me have done so to tell me that the message of discrimination that these laws send has had a profound effect on them, on their friends and on their family. They want to see relationships of their loved ones recognised not only in the name of equality but also to ease the burden on those who are struggling with the same discrimination in their lives that is currently reflected in the Marriage Act.

So I stand here today to tell them that they are not second-class citizens and that the law should reflect that. I support equal marriage because I want to see a better Australia, an inclusive Australia and an Australia that does not discriminate according to who a person loves. My constituents want to make that Australia real—real for long-term gay couples, real for the lesbian couples raising their children, real for the teenagers coming to terms with their sexuality and real for the parents who simply want to walk their child down the aisle. So I will continue to fight for equality, and I believe this fight will not be
stopped. In my maiden speech to this parliament I stated:
The Australian Labor Party stands for the political and social values of equality, democracy and freedom. These are the principles that I bring to the Senate.

I am very proud to be continuing that legacy today in the context of this current debate.

In conclusion, I want to reiterate my support for marriage equality. I believe this debate still has a way to go, of course. But I think the process of bringing this bill, the Marriage Amendment Bill (No. 2) 2012, before the Senate and the bill as it was debated before the House is a way in which to progress some of the fundamental issues that we are contemplating in the course of this debate.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Budget

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:00): My question is to the Minister representing the Treasurer, the Minister for Finance and Deregulation, Senator Wong. I refer to my question yesterday in which I asked the minister to rule out increasing taxes to pay for the $120 billion black hole of new spending promises the Labor government has made just since the May budget—that is, in the last three months. Given the minister did not answer the question, and not wishing to be unfair to her, I now give the minister another opportunity and ask: will the minister rule out, once and for all, increasing taxes in order to meet the government’s promised surplus and to pay for the government’s $120 billion of spending commitments—yes or no?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:01): I again make this point. We have made a commitment which has been in place for some years now that we would ensure that we were a lower-taxing government than the Howard government—and guess what? We are.

Opposition senators interjecting—

Senator WONG: Guess what? We are. Because we inherited—

Opposition senators interjecting—

Senator WONG: I know the truth hurts, but no amount of guffawing and bellowing will get you away from the simple fact that, if you look at tax as a proportion of the economy, we tax less than those opposite did. Just as importantly, and I invite those opposite to make the same commitment, we have committed to retain the tax-to-GDP ratio below that which we inherited—that is, below 23.7 per cent. We have committed to being a lower-taxing government than the one that we replaced.

I would also remind those opposite that there are a number of tax cuts that this government has put in place which those opposite oppose or have committed to rolling back—and, of course, if you roll back a tax cut, that is a tax hike.

Opposition senators interjecting—

Senator WONG: So those opposite have committed to a tax hike for every Australian earning under $80,000 a year. Every Australian earning under $80,000 a year has got a tax cut under this government, and you have committed to rolling it back. Your opposed a company tax cut. You opposed the senior and pensioner tax offset. You opposed the instant asset write-off, a tax break for 2.7 million small businesses.

Senator Conroy interjecting—

Senator WONG: And, as my colleague has said, you also opposed the low-income super contribution, a tax break for low-income workers. Yes, you have gone very
quiet now, because it is completely unjustifiable.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:03): Mr President, I ask a supplementary question. Given that, by the minister's very evasive answer, the minister has put increased taxes on the government's agenda, can the minister tell the Senate what new or increased taxes the government is planning—higher income tax, higher company tax, increasing the carbon tax or the mining tax, increasing the Medicare levy or higher fuel excise? Or is the government planning to place even greater tax burdens on small businesses and self-funded retirees?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:03): The only party in this chamber, other than the Australian Greens, that is actually publicly advocating an increase to the company tax rate is the Liberal Party. Your 1.5 per cent 'levy'—sorry; a levy is not a tax, I think Mr Hockey said—on the corporate tax rate to pay for your paid parental leave scheme is somehow, magically, not a tax. But that is your policy.

In terms of income tax, we have cut income tax for every Australian earning under $80,000 a year, and the majority of low-income earners under that tax threshold are of course working women. Who is proposing to impose a tax hike, an income tax hike, on that group of Australians? Who is it? It is the Liberal Party of Australia.

Senator Abetz: Nonsense!

Senator WONG: Senator Abetz, I will take that interjection. He says, 'Nonsense.' He should tell that to Joe Hockey, who has said that publicly. (Time expired)

Senator ABETZ. (Tasmania—Leader of the Opposition in the Senate) (14:05): Mr President, I ask a further supplementary question. I will give the minister one more opportunity. Will she tell the Senate: where is the money coming from to fund Labor's $120 billion black hole of new spending promises?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:05): The question really goes to the long-term structural position of the budget. That it is coming from a party that has opposed changes which improve the structural position of budget is really remarkable. Those opposite think that it is a good use of taxpayers' money to continue to subsidise the private health insurance of millionaires. Those opposite think it is a good thing to provide publicly funded dental services to millionaires. These are some of the changes to the budget, Labor changes, which are about recognising that when you have finite resources you have to focus and prioritise those resources appropriately. Those opposite may come in here and talk about fiscal responsibility, but they have opposed changes to the budget which are about long-term savings and they are opposed to meeting the Charter of Budget Honesty because they know they have $70 billion worth of cuts they want to hide from the Australian people. (Time expired)

Constitutional Recognition of Indigenous Australians

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (14:06): My question is to Senator Evans, the Minister representing the Minister for Families, Community Services and Indigenous Affairs. Can the minister update the Senate on the progress towards constitutional recognition of Aboriginal and Torres Strait Islander people?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:06): I
thank Senator Brown for the question. The Labor government is committed to constitutional change to recognise the unique and special place of Aboriginal and Torres Strait Islander people. We believe that the Australian Constitution should recognise Aboriginal and Torres Strait Islander people and their unique history, culture and connection to this land; reflect our country's fundamental belief in the importance of equality, through the removal from it of all references to race; and acknowledge that additional effort is needed to close the gap on Indigenous disadvantage in this country.

Great progress has been made towards constitutional recognition. In December 2010, the government appointed an expert panel to identify how to recognise Indigenous Australians in the Constitution. We have been working with local organisations to build a momentum for change. But we do know that change can only happen when there is majority support for any referendum put to the people. We think some positive work has been done, but a progress report from Reconciliation Australia makes it clear that the level of support we need for a successful referendum is not yet there.

Having recently helped my son with his year 12 politics assignment, the record of referendums reminded me—

**Senator Payne:** Did he pass?

**Senator CHRIS EVANS:** I had to go and do some study before I could help. The record of referendums reminded me how poor the success rate in referendums has been. We know that the prospects at the moment would not be good, given the level of understanding and awareness about these issues in the Australian community. The government, Reconciliation Australia and Indigenous leaders agree that more time is needed to build support for the changes we would like to see. It is important we get this right, that we are able to build that support, before we put a referendum to the people for this important change to our Constitution.

**Senator CAROL BROWN** (Tasmania—Deputy Government Whip in the Senate) (14:08): Mr President, I ask a supplementary question. Can the minister advise the Senate how the government has worked with local organisations to progress constitutional recognition?

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:09): The Gillard government is absolutely committed to working with local communities to build that broader support for a referendum. That is why, in the Prime Minister's Closing the Gap statement to parliament in February, she announced a $10 million funding commitment for Reconciliation Australia's You Me Unity campaign. The You Me Unity campaign is a two-year campaign which provides funding for community organisations to undertake awareness-raising activities about the case for constitutional recognition of Indigenous Australians. So far, over 100,000 people have registered on the You Me Unity website as supporters of constitutional recognition of Indigenous Australians. So the activity and the recruitment of support is ongoing. But it is clear that we will have to continue that campaign and build support with the help of community organisations.

**Senator CAROL BROWN** (Tasmania—Deputy Government Whip in the Senate) (14:10): Mr President, I ask a further supplementary question. Can the minister further advise the Senate on how passage of an act of recognition will be an important step in recognition of Aboriginal and Torres Strait Islander people?
Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:10): The government believes that the passage of an act of recognition would be an important step on the path towards constitutional recognition of Indigenous Australians. We intend to introduce an act before the end of the year. It will not bind any future parliaments and it will not trigger a referendum. It will be worded as closely as possible to the recommendations of the expert panel which developed options for constitutional change. A sunset clause within the act will give a future parliament the opportunity to reassess the timing of any referendum and continue to work towards constitutional change.

The act will indicate parliament's commitment to reconciliation and give senators the opportunity to show their personal support for this important issue. The Gillard government has worked hard towards reconciliation with Indigenous Australians and the passage of such an act will be an important step towards a successful referendum which will give Indigenous Australians their rightful place in our nation's Constitution.

Mining

Senator CORMANN (Western Australia) (14:11): My question is to the Minister representing the Prime Minister, Senator Evans. I refer the minister to reports today that BHP Billiton has confirmed that it will not proceed with the planned Red Hill coalmine near Moranbah in Queensland, which follows previous announcements that it will not proceed with the $30 billion Olympic Dam mine expansion in South Australia or the $20 billion outer harbour expansion in Port Hedland in Western Australia, as well as announcements that 1,700 jobs have been lost across several BHP Billiton mines over the past six months. Will the government now concede that its carbon tax, its mining tax, its massive increases in red and green tape, increased union militancy on its watch and all of its other anti-mining policies and anti-mining rhetoric have hurt Australia's economic fortunes?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:12): I welcome Senator Cormann's question. I am sure Senator Wong is a bit jealous that she did not get this question. I absolutely reject the implications in the Senator's question. He seeks again to talk down the Australian economy. He seeks to talk down the success of the mining industry and the success of the oil and gas industry. For purely political motives, he seeks to destroy confidence in the sectors which are actually helping to grow the Australian economy and creating hundreds of thousands of jobs for Australians.

It is the case that a number of companies have taken decisions which have delayed the massive expansion which is occurring more generally in the oil and gas industry and in the mining industry.

However, all the major reports continue to highlight the record amount of investment in Australia. The ABS results released on 3 September showed a major increase of 34 per cent in Australian mineral exploration. The last Bureau of Resources and Energy Economics Mining industry major projects report, in May, showed Australia had 98 resources industry projects at an advanced stage of development valued at A$260 billion. Since the introduction of the MRRT and the PRRT, resources companies have ticked off billions of dollars worth of new spending. So, for the couple of examples the
senator uses, he fails to recognise the many other projects that are going ahead and the enormous investment pipeline that is driving enormous economic growth in the Australian economy.

Senator CORMANN (Western Australia) (14:15): Mr President, I ask a supplementary question. Given the clear warnings from the mining industry about the increasing costs of doing business in Australia, warnings of slower growth in China and a worldwide slide in commodity prices—

Senator Wong interjecting—

Senator CORMANN: why is Labor still pressing ahead with the world’s biggest carbon tax and a mining tax which, on top of everything else, has provided a direct federal government incentive to state governments around Australia to increase their royalties on iron ore or coal?

The PRESIDENT: Order! Senator Wong, you will need to withdraw that. That is disorderly.

Senator Wong: I withdraw.

The PRESIDENT: The minister.

Senator Wong interjecting—

Senator Cormann interjecting—

The PRESIDENT: Order! Senators Cormann and Wong, it is disorderly to debate across the chamber. The minister.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:16): As I indicated earlier, Mr President, Senator Wong was very keen to answer this question and was very keen to assist me in responding. Again, I reject what Senator Cormann tries to indicate. The reality is, the only issue the mining industry have raised with me in the last few weeks about taxation is the royalty increase in Queensland and the threat it provides.

Senator Cormann, you may try this rubbish argument of saying, ‘When the National-Liberal government increases royalty it is all our fault,’ but your credibility is in shreds. You try to argue that a superprofits tax is bad but that a tax on royalties, a tax on companies that may not be making a profit even, is a good thing. That is not what they are saying. They are saying that the basis of our superprofits tax is a much fairer way of levying tax on them than the massive royalties that are impacting on mining in Queensland, implemented by a Liberal-National government. (Time expired)

Senator CORMANN (Western Australia) (14:17): Mr President, I ask a further supplementary question. With mining companies pulling back for multibillion-dollar investments, when will the government finally listen and scrap its carbon tax and its mining tax so that confidence can be restored in our important mining sector so that our economy can grow more strongly again?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:18): Fundamentally at the heart of Senator Cormann’s question is a falsehood. There is record investment in oil and gas and in mining in Australia, a huge—

Senator Cormann: Have you spoken to them recently?

Senator CHRIS EVANS: Senator, look at the figures. Instead of your unrelenting ideology, have a look at the facts, read the reports, talk to the mining industry. There is record investment, record pipeline and enormous employment growth in the mining industry and in oil and gas. The commodity prices have come off, and business has—

Opposition senators interjecting—
Senator CHRISS EVANS: Relentlessly talking down the economy in this country by the Liberal and National parties is absolutely bad for confidence, bad for jobs. What we know is that there is record investment, a record pipeline of coming investment, and the mining industry remains strong. Commodity prices are impacting on decisions at the moment but the investment they have made will see production at very high levels for many—

(Time expired)

**Vocational Education and Training**

Senator RHIANNON (New South Wales) (14:19): I direct my question to Minister Evans. Given that thousands of students, parents—

The PRESIDENT: Just before you ask the question, in respect of which portfolio?

Senator RHIANNON: I apologise:

higher education.

The PRESIDENT: All right. Continue from the start, Senator Rhiannon.

Senator RHIANNON: Given that thousands of students, parents, teachers, staff and friends of TAFE are rallying today in Victoria to support TAFE in the face of the Baillieu government’s devastating $300 million cuts, do you acknowledge that it has been a key policy failure of the federal government to place conditions on the $1.4 billion you inject into the vocational education and training system each year? And what are your plans to stop state governments from making further funding cuts to the TAFE system, which is leading to campus closures, job losses, courses cut and increased student fees?

Senator CHRISS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:20): Absolutely not. If the senator is saying, as she seems to be suggesting, that the federal government should not have invested $1.4 billion—in fact, $15 billion over the next five years—in TAFE and the vocational education and training system, then I do not agree with her. The federal government continues to make a record investment in TAFE in this country and will continue to do so.

We think the provision of skilling opportunities and of trade training opportunities for both young and other Australians is vital to the future of the country. We need a more highly skilled workforce. We need to provide more training opportunities and quality opportunities. That is what we are about. And investing in the states who run the TAFE systems is a key component of making sure we have those opportunities for young people but also that we have skilled workers to support industry. The federal government remains committed to that. We have in our agreements with the states ensured that they seek to continue to support their TAFE sectors and to make sure they support them in a more competitive environment. That was one of the provisions we put into those agreements.

What we have seen in Victoria is a scandal. They have taken $300 million out of the TAFE training system, which is seeing campuses close, students denied opportunity, students with disabilities denied access to training and many jobs lost. What we know is that the training effort in Victoria will fall as a result of these efforts. So it is important that people campaign to force the Baillieu government to turn back its cutbacks and ensure that TAFE in Victoria is funded adequately.

Honourable senators interjecting—
The PRESIDENT: Senator Evans, I need to interrupt you because the people debating this across the chamber are disorderly. You are entitled to be heard in silence and Senator Rhiannon is entitled to hear your answer.

Senator CHRIS EVANS: I have finished it, actually.

Senator RHIANNON (New South Wales) (14:23): Mr President, I ask a supplementary question. Minister, as private VET courses in Victoria have overtaken TAFE courses for the first time and there has been a 310 per cent growth in enrolments in private registered training organisations, is this due to a failure of federal VET policy to limit the growth in enrolments in private VET providers and registered training organisations? What do you plan to do to reverse this trend?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:23): The senator's question again seems to imply that what the Baillieu government has done is all the federal government's fault. Quite frankly, Senator, you have just got it all wrong. The $300 million the Victorians ripped out of the TAFE system was not done with my imprimatur, permission or any support at all. The reason we are seeing the problems in Victoria is that they took $300 million out of the budget. It is not some broader conspiracy; it is actually a straight cut to support to TAFEs. That is what is at the heart of the problems in Victoria.

There is growth in the private sector. Perhaps unlike you, I do not actually oppose some competition in vocational education and training in Victoria, and I do not expect the TAFEs to be totally protected from that competition, but they are at the heart of training in Victoria. They need to grow and they need to be supported, and under the Baillieu government that is not being done.

Senator RHIANNON (New South Wales) (14:24): Mr President, I ask a further supplementary question. Minister, as you said, while you did not have your hand on the knife that has forced these cuts, hasn't the policy at a federal level opened up the possibility for the Baillieu government to rip this money out of the heart of TAFE?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:25): The answer is still no, Senator. Think about it. The budget of the Victorian government is determined by the cabinet of the Victorian government. They can choose to fund TAFE at whatever level they like. That is not something I can influence; it is not something I can determine for them. Their cabinet met and, in a budget where they had to find savings, they deliberately targeted TAFE. They thought it was politically more opportune to take $300 million out of their TAFE, a massive slice, than to target other areas. I think they are learning that that was not so smart—that people value TAFE, they value vocational education opportunities, they have seen the terrible damage it is doing in rural and regional Victoria, and they know that the Nationals have been silent on this matter. We hear nothing about them. They bang on all the time about more support for rural and regional Australia. Where are they while the TAFEs in that state have been absolutely sold off and destroyed? The Baillieu government has to answer for the—(Time expired)

Building Better Regional Cities

Senator PAYNE (New South Wales) (14:26): My question is to the Minister representing the Minister for Housing and Minister for Homelessness, Senator Evans.
Can the minister confirm whether all of the government's promised $112.1 million to be provided to local councils to build infrastructure to support new housing developments under the Building Better Regional Cities program has been locked in? Have contracts been signed for those?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:26): I will have to take that question on notice. I do not have that level of specific information about the particular scheme in my brief. I am just not in a position to give a proper answer to the senator's question, but I am happy to take it on notice.

Senator PAYNE (New South Wales) (14:27): Mr President, I ask a supplementary question. Given that the government has a $120 billion black hole in its budget, can the minister guarantee that no funding under the Building Better Regional Cities program for the infrastructure to support new housing will be withdrawn to address that black hole?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:27): The first thing to say is there is no budget black hole. Unlike the opposition, the government will provide full details of the government's finances in the midyear economic financial statements. So, when MYEFO is published, all our spending and all our income will be revealed. Unlike the Liberal Party, we also will honour the Charter of Budget Honesty. We will not get a catering company to run around and do the figures for us to try and pretend that our books balance; we will actually produce Treasury endorsed figures that reflect the true state of the federal government's finances. Any decisions to change funding allocations will be revealed in MYEFO or budget decisions. I am not going to rule in or rule out any changes that may be made on any program until such decisions are taken and formally revealed in the normal way.

Senator PAYNE (New South Wales) (14:28): Mr President, I ask a further supplementary question. Given that the government's fiscal recklessness has resulted in a $120 billion black hole in the federal budget, that the carbon tax will slug new home builders $5,200 per home and we have a growing housing shortage of over 228,000 homes, how can anyone believe this government when it comes to delivering on its housing commitments?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:29): In terms of housing, the first answer is that we actually take an interest. We have a housing minister. We actually have policies. You went for 11 years without a housing minister. That is how important it was to you. The only reason you are shadow housing minister is that we have a minister. You did not think about having one. You did not think it was a priority. This government has invested heavily in housing and homelessness because we actually think it is important.

Honourable senators interjecting—

The PRESIDENT: Order! Senator Evans, you just might resume your seat until we get a little bit of silence in the chamber. When there is silence on both sides we will proceed.

Senator CHRIS EVANS: The Australian community know which side of politics is interested in housing issues and homelessness.

Also, I would just make the point that the recent assessment of the Australian economy

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gives us an AAA rating. So while the opposition are out there saying, 'The world is doomed and we are all going to hell in a hand basket,' every economic indicator says the opposite. They are negative, they have nothing positive to say, they have no housing policy and they are in no position to criticise this government.

Immigration

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:30): My question is to the Minister for Multicultural Affairs, Senator Lundy. Can the minister please outline to the Senate how Australian settlement services support the bipartisan policy of multiculturalism and contribute to Australia's prosperity as a nation?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:30): Australia is, by definition, a multicultural nation. Since 1945 more than seven million people have successfully settled in this country. We are a country that includes large numbers of people who have actively chosen to be Australian and, as a result, we are unique among the countries of the world for our breadth of cultures. This diversity is a great strength economically, culturally and socially. Australia's successful approach to multiculturalism has been underpinned by practical settlement strategies, including migrant resource centres, multicultural youth organisations, English tuition, case management and coordination, and referrals to mainstream government services.

Last night, Mr Frank Lowy AC, a prominent and distinguished Australian citizen, delivered the inaugural Multicultural Council of Australia lecture here in Parliament House. In his address Mr Lowy made the point that multiculturalism has worked in Australia because we say to newcomers:

… you are welcome; you are free to worship; you are free to honour your heritage; and, we will respect the differences between us.

And in return, you should agree to live by the standards and values of this society, the one you have chosen to be a part of.

It is this mutual respect that is at the core of multiculturalism and it is this mutual respect that I hope will always be at the heart of the bipartisan political support for multiculturalism in Australia.

With respect to settlement services, it is our investment in those early periods of settlement of people newly arrived to Australia that underpin the ongoing social cohesion and social inclusion that sit at the heart of, as I have said, a unique form of successful multiculturalism in the world.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:32): Mr President, I ask a supplementary question. Is the minister aware of any alternative views that have been expressed publicly that undermine support for the bipartisan policy of multiculturalism?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:33): While Senator Bernardi resigned as the opposition leader's parliamentary secretary yesterday over other outrageous comments, he still has not been held to account by Mr Abbott for attacking multiculturalism and undermining the bipartisan character of this important policy. This bipartisan character was expressed, for example, in February 2011 by Senator Brandis when he said:

… everyone who matters in the Liberal party has the same view about multiculturalism in Australia, and that is we strongly support it.
Given this, Mr Abbott needs to urgently clarify whether his party supports the divisive inflammatory and anti-multicultural stance peddled by Senator Bernardi or the bipartisan approach offered by Senator Brandis and many others in the Liberal Party. The opportunity exists for Mr Abbott to rebuke Senator Bernardi specifically on these issues— (Time expired)

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:34): Mr President, I ask a further supplementary question. Can the minister point to recent examples of the strength and success of multiculturalism in Australia?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:34): I would like to refer again to the address in Parliament House last night by Mr Lowy in the inaugural presentation to the Australian Multicultural Council. An unquestionable multicultural success story is his own story. Mr Lowy came to Australia with just a small suitcase to his name having survived the horrors of World War II, and through hard work and initiative he has built a successful business empire. As reflected by Mr Lowy, and the Prime Minister in her introduction, the strong condemnation of last week's violence by Australian Muslim leaders is a good example of the strength of multiculturalism in Australia. It was not any one part of any of Australian society that condemned last weekend's behaviour; it was the whole of the Australian community that condemned the violence. This is an example of the strength of multiculturalism in Australia. It shows that the community is able to respond to divisiveness with strength— (Time expired)

Defence Personnel

Senator IAN MACDONALD (Queensland) (14:35): My question is to the Minister representing the Minister for Defence Science and Personnel—I think, today, that is Senator Evans. Can the minister confirm reports today that the government is planning on cutting essential funding to 9,000 young Australians who are members of the Royal Australian Navy Cadets and Royal Australian Air Force Cadets?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:35): I thank Senator Macdonald for his question. Like all areas of government, the Australian Defence Force Cadets organisation is working hard and is providing world standard youth programs, though we are always focused on making sure that the programs are affordable. I know Senator Feeney is providing strong leadership in this regard and has spoken to me a great deal about the cadet program and his support for it is.

The program has been expanding, with newly formed units across the country. Recent data shows that the Australian Defence Force Cadets have increased across the three services by over 1,000 cadets. However, funding within the Australian Defence Force cadets has been prioritised to ensure that the three services can still deliver a world standard youth development program. Claims that the Australian Army Cadets supervision has been cut by 30 per cent are untrue. Claims that Navy and Air Force cadet units will be amalgamated and may be closed down in a sweeping or widespread manner as a result of budget cuts are untrue. Experience has shown that, from time to time, cadet units close as a result of a
lack of cadet volunteers or community support, just as new cadet units emerge because of renewed interest.

I understand up to six Australian Navy cadet units may have to close due to lack of staff, cadets and community support. The claims of widespread cutbacks et cetera are not true. There have been some changes in relation to cadet instructors and the allowances paid to them in the Army. Apparently there are no changes to the allowances in Navy or Air Force, but there have been in the Army. As I say, the broad—(Time expired)

Senator IAN MACDONALD (Queensland) (14:38): Mr President, I ask a supplementary question. I thank Senator Evans for confirming that there will be no cutbacks to the cadets arrangements in Australia, which is very good news. I ask the minister again to confirm that for all those young cadets who are now worried about their futures. The minister mentioned in his answer that there was a lack of staff cadets. Minister, is the reason for the lack of staff cadets the fact that there is no money to pay them because there is a $5.2 billion cutback in Defence spending by the Labor government?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:38): I am not sure the characterisation made by the senator is what I said. I did indicate that there was strong support for the cadet programs and that some of the claims made about widespread closures are not true. I did indicate that they were impacted by broader budget decisions and I referred to the allowance changes in Army as one of those changes where, if you like, savings are made as a result of decisions taken. But, as I have indicated, the cadet program remains one that is highly valued. There has been recent growth in the system and all the major high-value activities of the three cadet organisations will continue to be conducted. As part of the general effort across government and across Defence there may well be measures that impact on cadets, but fundamentally there remains strong support for the program.

Senator IAN MACDONALD (Queensland) (14:39): Mr President, I ask a further supplementary question. Can I ask the minister to clarify. In one breath he is saying there will be no change for cadets and they will continue on; in the next he says they will bear part of the brunt. I refer the minister to Senator Feeney’s comments encouraging young people to join the cadet services, and yet here the government is in the same breath cutting funding to Defence and cutting funding to the cadets. How can these people join the cadets when the funding is being cut for the people that train them?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:40): I indicated both in the primary answer and in the secondary answer that some changes are being made but that the fundamental commitment to the program remains, that there are not going to be the large-scale closures that were reported. I indicated to you one of the things that was happening in Army relates to the allowance for instructors. The truth is there is strong support for the cadet program, both inside Defence and inside the government.

As a former air cadet myself, I hold the cadets close to my heart. I gave it away when the short haircut was not working for me socially in my mid-teens, when long hair was the fashion. So my promising career was cut short. I still have the cap, Senator. I will
bring it out. But our support for the cadets remains strong and we continue to see them as an integral part of the development—

(Time expired)

Qantas

Senator XENOPHON (South Australia) (14:41): My question is to Senator Lundy, representing the Minister for Immigration and Citizenship. Is there a proposal before the minister or are there discussions between the minister for immigration and the Qantas group to allow international flight attendants based in Asia to work domestically on foreign rates of pay and conditions, without Australian conditions of pay and employment and without the provisions of the Fair Work Act applying?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:42): The government is not aware of any such proposal. Foreign crew working on domestic flights are required to hold a valid temporary work visa, namely a 457 visa. The 457 visa requires that the visa holder be paid the domestic market rate of pay. That is, the standard business sponsors must show that they will provide no less favourable terms and conditions of employment to the foreign worker than they would to an equivalent Australian worker. This protects overseas workers from exploitation and ensures that overseas workers are not used to undercut local employment, conditions and wages. Employers have the obligation to ensure equivalent terms and conditions of employment, and this means that they must pay their workers the market salary rate. This requirement is designed to protect skilled overseas workers from exploitation and it is also designed to ensure that the skilled overseas workers, as I said, are not used to undercut local employment, conditions and wages.

The salary of 457 visa holders must also be above the temporary skilled migration income threshold. This threshold ensures that workers will have enough money to be self-reliant while they are in Australia. Employers must demonstrate that the market salary rate for the position they are seeking to fill is greater than the temporary skilled migration income threshold.

Further, 457 workers also have rights under the worker protection act 2008, which protects workers from exploitation. Under these laws the sponsor must provide the employee with the same terms and conditions as Australian workers performing the same work in the same workplace. There is also another protection under the Fair Work Act and 457 visa holders have rights under the National Employment Standards. These National Employment Standards apply to all employees covered by the national workplace relations system, regardless of the award, agreement or contract of employment that applies to an employee.

Senator XENOPHON (South Australia) (14:44): Mr President, I ask a supplementary question. Do the protections that the minister referred to in relation to 457 visas also apply to special purpose visas issued to airline crew members? Is there any proposal before the minister in respect of special purpose visas that would allow overseas based crews to fly domestic legs using those special purpose visas?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:44): As I said, I have been advised that there is no proposal before the minister. Perhaps it is useful—given that I do not have another response to that question, given that there is
no proposal—that I go on to outline the National Employment Standards that would apply to the 457 class visa holders.

There are, of course, 10 minimum workplace entitlements under the National Employment Standards. They include: a maximum standard working week of 38 hours for full-time employees; a right to request flexible working arrangements to care for a child under school age or a child under the age of 18 with a disability; parental and adoption leave of 12 months; four weeks paid annual leave each year, plus an additional week for certain shift workers; 10 days paid personal or carer's leave each year; community service leave for jury service; long-service leave; a paid day off for public holidays, except where reasonably required to work; notice of termination; redundancy pay; and the right to new employees to receive employment information. (Time expired)

Senator XENOPHON (South Australia) (14:45): Mr President, I ask a further supplementary question. Does the government consider it acceptable that an overseas based flight crew works on a domestic flight which is tagged as an international flight but where the overwhelming majority of passengers are, indeed, domestic passengers—that that could be seen as an abuse of either the 457 or the special purpose visa arrangements?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:46): I will take the detail of that question on notice for the minister. Because the government is not considering any proposal I do not have any additional detail that I am able to provide to Senator Xenophon other than to reiterate, as I mentioned in the answer to the first part of his question, that all foreign crews working on domestic flights are required to hold a valid temporary work visa, namely a 457 class visa. The requirement of this visa is that they are paid the domestic market rates of pay.

Carbon Pricing

Senator McKENZIE (Victoria) (14:46): My question is to the minister representing the Minister for Climate Change and Energy Efficiency, Senator Ludwig. I refer the minister to the government's policy backdowns in relation to developing Australia as a low-emissions economy, such as the dumping of the carbon floor price and negotiations failing under the Contract for Closure program. Given that the regional structural assistance package of $200 million was part of the government assistance to regional communities to offset the impact of the world's biggest carbon tax, can the minister advise whether the full $200 million will still be paid to local communities, whose economies are struggling to adjust since the implementation of the carbon tax?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:47): I thank Senator McKenzie for her continued interest in the carbon price, particularly as it impacts in rural Australia. What we do know is that there is a $1.7 billion Land Sector Package, which is designed to assist the farming community through both the CFI and also then to deal with reduction in carbon.

In fact I have had the opportunity of visiting many farmers across New South Wales and Victoria who come out to find out how they can participate in the Carbon Farming Initiative, how they can participate in the carbon market and how they can continue to access available grants—both Filling the Research Gap and Action on the
Ground—and also the communication package. All of that is good news for the farming community—unlike the doormats for the Liberal Party; they do not want to assist farmers—because they are on the front line when it comes to climate change.

Senator McKenzie: Mr President, I rise on a point of order. My point of order is relevance. My question goes to the regional structural assistance package, not land compensation.

The PRESIDENT: Order! There is no point of order. I believe that the minister is answering the question. The minister still has 59 seconds remaining to answer the question.

Senator Ludwig: Of course, Senator McKenzie's question also went to linkage. It is about the floor price. Why? Because it is important that we actually have a system where we have a fixed-price move to an emissions trading system that works. What is very important is that it is an odd position: what they are not advocating and not telling the rural community is that if the opposition's policy were to get up—heaven forbid—if they were then not to follow through and if they were to trash the carbon price then the CFI would be undermined. The Carbon Farming Initiative, which they pretend to support in rural and regional Australia, would be undermined. But they come down here and support the opposition in resisting and continuing to decry setting a price on carbon. Why? Because we do want to have a clean energy future, whereas what they do is undermine it. But they are not honest with their rural constituents— (Time expired)

Senator Nash interjecting—

Senator Ludwig: Oh—I see it is hurting, Senator Nash! I see that you have gone to the funny little hand movements! It is very odd—let not the camera pick that up! Please do not let the camera pick that up!

What I can say is that I will take it on notice. I will check with Minister Crean in relation to that issue, because it is not within this portfolio. But what I can say broadly is— (Time expired)

Honourable senators interjecting—

The PRESIDENT: Order! When there is silence on both sides we will proceed. Senator McKenzie is entitled to be heard in silence.

Senator McKENZIE (Victoria) (14:52): Mr President, I have a further supplementary question. When will the government detail when and how regional communities will be able to understand and access information around the regional structural assistance package and when is it going to be available

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:50): This is the difficulty that the opposition have, particularly the doormats of the Liberal Party. They are all over the place. I have said it before and I will say it again—like a dropped pie.

What Senator McKenzie has asked is a supplementary question to another portfolio—to a completely different portfolio! Right out of the climate change portfolio; she has now leapt across into regional and rural Australia to Mr Crean's portfolio. I do not represent Mr Crean's portfolio. It is an odd position that you are now asking from—
to local regional communities to provide them certainty of compensation for the world's biggest carbon tax?

Senator Jacinta Collins: Mr President, on a point of order: the minister has already made the point that this is outside his portfolio. The senator has jumped from a supplementary which was broad but also related to Minister Crean's portfolio to now in a second supplementary she is specifically referring to matters that Senator Conroy represents in this chamber.

The PRESIDENT: There is no point of order. I am going to ask the minister to answer that part of the question that refers to the portfolio that he is representing.

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:53): I thank Senator McKenzie for her good try at this. I will take that on notice as I understand the question relates to Minister Crean's portfolio, well outside the climate change portfolio. But it is very clear that within climate change we are doing an enormous amount of work with local farmers and rural communities about the impacts of carbon, how we can mitigate it and how we can support that, if you look at the work that is currently being undertaken, both filling the research gap and action on the ground. Action on the ground is incredibly important. I was in Clare in South Australia with the No-Till Farmers Association and they were keen to see the benefits of how they could sequester carbon and how they could make money from carbon. Who was missing from that? The National Party, because they do not want to support farmers in rural Australia to find out about how they can lower their emissions—(Time expired)

Agriculture, Fisheries and Forestry: Investment

Senator GALLACHER (South Australia) (14:54): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. Can the minister please outline to the Senate—

Honourable senators interjecting—

The PRESIDENT: Order! When there is silence I will ask the senator to proceed.

Senator GALLACHER: Can the minister please outline to the Senate the investment the Gillard government is making in Australian agriculture, fisheries and forestry and why it is critical for the government to support these sectors of our economy?

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:56): I thank Senator Gallacher for his question. All the members of this government appreciate and support Australian agriculture, rather than talking it down like those opposite. The Gillard government is making strong investments into Australian agriculture, fisheries and forestry. It is a Labor government that is driving reform, that is setting the right priorities to increase productivity and profitability in rural Australia. As always, the job of supporting our farmers falls to a Labor government, cleaning up the mess that the coalition government—

Senator Joyce interjecting—

Senator Wong interjecting—

The PRESIDENT: Order on my right and on my left! This is not helping the conduct of question time.

Senator Ludwig: It is left to Labor to protect our agricultural sector from pests and diseases through a strong biosecurity system.
It is left to Labor to recognise the importance of our billions of agricultural exports and to work with industry to cut red tape through export reform. It is left to Labor to prepare for climate change with a $1.7 billion land sector package, because it is our farmers that are on the front line. The government have invested in rural research and development because we believe that agriculture has a future based on the natural ingenuity of our farmers. That is why we provided $1.1 billion on rural research and development. Unlike those opposite, Labor look forward for the Asian century. We support foreign investment and jobs in regional Australia. We are not caught in the past. We do not pine for the so-called good old days of the single desk, do we? No, we do not pine for those single desk days.

Senator Nash interjecting—

Senator LUDWIG: I am sure you do over there, but the Liberals get a bit quiet because the doormats have rolled you on deregulation.

Government senators interjecting—

The PRESIDENT: Order! Senator Heffernan is on his feet. Wait a minute, Senator Heffernan, you deserve to be heard in silence, the same as everyone else.

Senator Heffernan: I don’t know that I do!

The PRESIDENT: Senator Heffernan, I did not hear a word you said because of the noise on my left.

Honourable senators interjecting—

The PRESIDENT: Senator Heffernan is seeking to take a point of order. He is entitled to be heard in silence, on my right as well.

Senator Heffernan: Thank you, Mr President. I don’t think I do deserve to be heard in silence, but the minister knows nothing about wheat.

The PRESIDENT: That is not a point of order. Senator Ludwig, your time has expired.

Senator GALLACHER (South Australia) (14:59): Mr President, I ask a supplementary question. Can the minister please inform the Senate whether there are alternative approaches for governments to invest in agriculture, fisheries and forestry? Are there any recent examples of these industries not receiving the right prioritisation?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:00): I thank Senator Gallacher for his question. There are alternative approaches to investing in Australian farms, fisheries and forestry. You could take the low road and strip out investment, make service cuts and waste money. You could get the priorities seriously wrong, as we are seeing occur with the Liberal and National party state governments. While we invest, they cut and waste. In Victoria the government has spent taxpayer funded research for none other than the mythical big cat. While the hunt was on it shamelessly closed primary industries offices in regional Victoria. In Queensland we have seen the biggest slash and burn of regional services. Mr Campbell Newman has closed the doors on the Farm Financial Counselling Service, has threatened to dismantle the Queensland Reconstruction Authority and is sacking thousands of workers delivering rural and regional services. Meanwhile, in New South Wales, Premier O’Farrell is ripping $1.7 billion—

(Time expired)

Senator GALLACHER (South Australia) (15:01): Mr President, I ask a further supplementary question. Can the minister please outline to the Senate any
There you go, the trifecta! I wish to draw particular attention to the responses of the government to questions around their $120 billion black hole which the Financial Review, I think it was, featured on its front page recently. That figure is a calculation based on major new spending announcements made by the government over the last few weeks. These spending announcements have come on top of previous announcements of spending relating to the National Disability Insurance Scheme, the Gonski review process and a dental care scheme, quite fortuitously in the same week that the government dropped the floor price for carbon—it seems that the Greens may have been seduced by the billions being promised for a new dental care scheme. This very week we have the government talking about topping up the wages of child-care workers. Child-care workers are among the lowest paid and most valued members of the community, but we are talking about a situation where topping up their wages would come on top of a spending spree over the last few weeks. That has had people in this chamber and elsewhere speculating that the government is clearing the decks for an early election.

We in the opposition take a very dim view of where this will lead. We believe that the government is contemplating in its Mid-Year Economic and Fiscal Outlook a whole series of swingeing cost reductions and tax increases to pay for spending announcements of the last few weeks and months. We are already on the record as opposing increases in tax. We opposed the carbon tax. We opposed the mineral resource rent tax. We are in favour of lower taxes rather than higher taxes. Indeed, my recollection is that at the end of the Howard government, taking into account the tax cuts that we committed to in 2007 election campaign, the tax share of GDP was 23.1 per cent in 2007-08,
something the government has not yet attained.

There are those on the other side who are brimming with ideas about how the government can bridge this gap between its spending and its revenue base. Along with other people, I acknowledge that the revenue base is shrinking. We are in a post-global financial crisis will. Capital gains tax revenue will not be as strong as it previously was. Wealth is not growing as strongly as it was previously. No doubt that is something, Mr Deputy President, that you are aware of as well.

In this context, therefore, there is discussion about potential revenue measures to fill the hole. My fear is that the Mid-Year Economic and Fiscal Outlook could see more of those measures being put forward, including potentially, a further cut to the diesel fuel rebate. There has been talk in some circles that the Treasurer, Wayne Swan, will revisit issues around death duties for estates above a certain value.

**Senator Cormann:** Superannuation!

**Senator Sinodinos:** My colleague Senator Cormann reminds me that it is possible that again concessions for superannuation will be further reduced. Superannuation, it seems, is an area that governments cannot keep away from, and it seems to be one of almost constant policy change. There is speculation that the government may look more seriously at some of the proposals of Senator Cameron, who has proposed in this place that the minerals resource rent tax be extended to other mineral commodities. He has proposed a financial services tax, a Tobin tax—a tax on financial transactions. This is something which has been tried in some jurisdictions overseas. It was tried in Sweden in the 1980s and very quickly abandoned because it led to a flight of financial services activity to other, lower tax jurisdictions. Indeed, it was probably one of the reasons why the City of London got the fillip it got in the eighties. So the Tobin tax could potentially come back on the radar of the government. Senator Cameron had proposed that these taxes be used to pay for the National Disability Insurance Scheme, for Gonski and for other expenditure commitments of this government. That is my fear, therefore, for the Mid-Year Economic and Fiscal Outlook: that there will be a raft of revenue increases and low-quality spending cuts as the government scrambles to meet its commitment for a wafer-thin budget surplus of $1.5 billion in 2012-13. The information we have about the falling commodity prices suggests that there could be at least a $10 billion hole in revenue in this financial year, and possibly that will become bigger. So there is much pressure on the government to take these swingeing revenue increases.

**(Time expired)**

**Senator GALLACHER** (South Australia) (15:08): I rise to make a contribution on this motion to take note of answers. It is exceedingly clear that Senator Sinodinos has continued on that well-worn path that the opposition has beaten, so to speak, in trying to create more fear, more uncertainty and more lack of confidence among Australians and Australian business leaders, in small business or otherwise. Basically, every day that we hear a contribution from the other side, it is aimed at negativity. Despite the fact that we have piloted our nation through the GFC in the best state of almost a any developed economy, with 800,000 new jobs and continued record investment—I think Senator Evans said almost $260 billion in the pipeline—there is an absolutely relentless campaign of negativity, whether it be on the carbon emissions or on the budget black hole. We have a Charter of Budget Honesty; that is
repeated every question time. We have a lower tax-to-GDP ratio than the Howard government; that is also repeated. All of that is ignored in this incessant campaign to destroy confidence in the Australian economy for their political ends. The short-term short-sightedness of their continual negative attacks is absolutely amazing. For their political ends, they are prepared to jeopardise future investment in mining and consideration of future jobs that are to be created. They are prepared to put all that out the window by driving down confidence in our economy.

We all know that Australians have changed. They have become more conservative as a result of the GFC. We know that people are putting more money into their bank each week and paying down their credit card debt, and the conservatives are capitalising on that lack of adventure in the Australian economy, which is so evident in the retail sector, where people are not spending as they did in the past. So they know that, if they are able to chance their arm, there is a climate of uncertainty there which they can exploit, and they are doing it absolutely relentlessly.

Despite the fact that there is tremendous confidence in the mining sector and a record investment pipeline—albeit prices have come off in iron ore from the high of $180 down to $86, with tremendous fluctuation in the price of raw materials putting pressure on companies who have higher leverage and higher capital costs of production—they continue to relentlessly drive home what they see as a climate of fear and uncertainty where the voters will turn around and blame the Labor government, the government which steered them through the financial crisis, supported employment and has facilitated with all of its efforts an expansion and an era where this great nation could have the mining boom it deserves and equally distribute some of those profits back to its population. No criticism at all did we hear of Campbell Newman taking the axe there and increasing royalties—which, as was quite rightly pointed out today, apply on both the upside and the downside. The minerals resource rent tax applies on superprofits. It is after companies have been able to take their tax gain for the capital expenditure that they have appropriately invested. But royalties are there whether it is up or down. When prices go down they still pay royalties, and when prices go up they pay royalties.

So I think they should be a little bit more even-handed. They should at least be owning up and being honest about the effect of some of the state royalty increases, not simply swinging away at the federal government with all of their might, trying to bring the tree down, taking the axe to confidence and continued job creation, and trying to create the climate of fear and uncertainty which they think will bring them electoral success. What a way to achieve government: by running down this great country, its great workforces and its great small businesses, and opposing almost every positive initiative that the Labor government seeks to bring to further this great national economy.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (15:13): I will just make some comments in relation to Senator Gallacher's remarks. Senator Gallacher talked about lack of confidence. He is right: if there is one thing this government has done, it is destroy confidence out there in the business world through its lack of responsible spending. The way it collects the taxpayers' money and then distributes it has been an absolute disgrace. You know all the facts of it, Mr Deputy President. We will go back to the start: GroceryWatch, Fuelwatch, the pink batts, the waste of the government spending on the
school programs and the $900 handed out. It just went on and on.

Now they are in serious trouble: $246 billion of gross debt as of last Friday and we cannot even get an educated guess of how much their budget is blowing out. Of the financial year just gone Senator Cormann asked a question: where are you going to fill this $120 billion black hole? You are going out promising the world with Gonski funding for education. We all support decent funding for education. You are squibbing out the chronic dental disease program that was brought in by the Howard government and that has had one million Australians receive dental treatment. It is a program this government tried to knock out a couple years ago but, thankfully, we blocked it in the Senate. There is now nothing for it up to 2014 other than some money for the state public dental system. We know how that is, especially in regional areas.

Let's go back to responsibility and the lack of confidence. When is the government ever going to learn that it is the private sector that derives our nation's wealth, and all you can do is tax the private sector in every way you can? It could be new taxes from day 1, from the alcopops tax to the luxury car tax to the cigarette tax to the LPG tax to the flood tax to the carbon tax to the minerals resource rent tax. You can go on and on. My time would be filled up if I just listed the new taxes. And yet the debt is blowing out and out. Because you have destroyed the confidence, we see business not investing, too scared to have the traditional Aussie go at anything and stick its neck out.

It is because this government cannot be trusted to keep their word. They make the promises—no carbon tax, no increase in taxes—and continually break their word all the time. Senator Gallacher mentioned the charter of budget honesty. I remember two years before the financial year just gone past there was a budget with a $12 billion deficit. Then it became $22 billion. Then the MYEFO discovered it was $32 billion and it came out at $44 billion. If you are running a budget, you budget at $12 billion and it comes out at $44 billion, that is not even a good guess; that is showing ignorance right through the whole financial management of our country. Senator Gallacher wonders why confidence is going. Of course it is going, and it can be turned around overnight at a federal election when the Australian people, especially the business sector, see that once again this country with so much future, with so much potential can be managed correctly under a coalition government. We know the track record. The Australian people know the track record.

I am amazed every time Senator Cameron goes out to bag the former federal Treasurer Mr Costello. Look at Mr Costello's record of paying off the debt and budget surpluses. When he set a budget he was conservative. He allowed for a downturn in business or world commodity prices. He always delivered the budget and more than he budgeted. This government does not know what budget surplus means. Go back over the history of Australia and the financial management of the Labor Party. Look what they did in Queensland, a great state that was managed for decades without a budget deficit. Now they have had their credit rating downgraded, are facing around $72 billion of debt as we speak today with just 4½ million people and are heading down a tube worse. No wonder Premier Campbell Newman has to make tough decisions. On this side of the chamber we refuse to let our states or our nation go down the same road as Greece, Portugal, Spain, Ireland, Japan, the United States—you name it. We refuse to mortgage our children's future away. We are responsible with managing money, and that
is something this government cannot do. That is why the Australian people do not trust this government to manage our great country.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (15:19): I say from the outset that I do not usually like to comment on what those opposite say, but Senator Williams has given me the opportunity. I think it is amazing that he would talk about what has happened in the past in Queensland when his own colleagues in the coalition, with Campbell Newman, are setting a world record in total destruction of the public service in Queensland, cutting the services of those most vulnerable in the Queensland community. He comes in here to talk about what has happened with the economy in the past in Queensland when those opposite do nothing but talk down the Australian economy. We on this side and, more importantly, the Australian community know that the Australian economy is very strong. We were the government that guided the Australian community through the worst global financial crisis in my lifetime—and even before that, believe it or not. The people of Queensland put their faith in Campbell Newman, as misguided as that has turned out to be, and what has he done? He has used every trick in the book to distract from the ruthless budget cuts that he is making to the most vulnerable in Queensland.

But let's talk about the positive things that are happening. We want to talk about what is happening with the economy and the investment in the resource areas of gas, oil and minerals. We know that there has been an increase of some 34 per cent into the mining industry alone. We know that since 2007, when the Labor government came into power, there has been a massive $919 billion of private business investment despite the global financial crisis. But, when we talk about the economy and those opposite try to paint the Labor Party as a government that has been unable to manage the economy, I think we need to look again. When Mr Abbott, the leader of those opposite, does nothing but have a negative policy and lead a party that is talking down the Australian economy, if there is concern in the economy, it is brought about because of the negativity of those opposite. We do not hear about the black hole in excess of $70 billion of those opposite. One hopes that the media will at some stage scrutinise their policies. One hopes they will answer and allow the community to know how they are going to fund any policies of any substance they come up with going forward.

I think we also need to talk about housing. I thought it was quite interesting that those opposite would want to talk about housing. Mr Deputy Speaker, I can give you some facts in relation to what is happening there. But before I move onto that, I want to say that those opposite spent 11½ very long years in government and at no time did they have a housing minister. The only reason that they have a spokesperson for housing now is that the Rudd Labor government and the Gillard Labor government put homelessness on the political agenda in this country. Time and time again, those opposite come into this chamber and want to rewrite history, whether you talk about homelessness, whether you talk about aged care or whether you talk about health. We know on this side and, more importantly, as I said earlier, the Australian community understand that we actually do have policies to provide housing for the most vulnerable in our community. We have taken on the plight of homeless people, whether they are individuals or families. We recognise, too, that unfortunately in this country there is a growing incidence of homeless women—women whose relationships have broken
down or who have not had access to superannuation. I might add that at every turn those opposite oppose anything when it comes to superannuation and looking after those most vulnerable.

I put on the record that, on 30 June 2012, the Minister for Housing and Homelessness announced that 16 projects worth $112 million had been approved for funding under the Building Better Regional Cities program. Some of the projects being funded are in New South Wales, in places like Lake Macquarie, Lismore, Maitland, Port Macquarie, Tamworth, Tweed Heads and Wagga Wagga. If we go to Victoria, there are projects in Bendigo, Shepparton and Warrnambool. There are also projects in Western Australia. We will put our record up against yours—(Time expired)

Senator SMITH (Western Australia) (15:21): I rise to take note of answers given by Senators Wong and Evans in response to questions by my colleagues Senator Abetz and Senator Cormann. We heard it here first this afternoon when the Leader of the Government in the Senate said, 'There is no black hole.' I am very confident that those words will come back to haunt not just Senator Evans but also the government as we count down to the next federal election. 'No budget black hole' were the words.

Today we have been talking about $120 billion in additional spending commitments since the last May budget, but we have not heard from anyone from anywhere in the government about how they intend to pay for those new funding initiatives, in addition to the surplus they have promised the Australian community in the next budget. When asked in question time today, no-one in the government could rule out tax increases that would hurt Australian families and Australian small businesses.

So what tax increases is Labor hiding? As we prepare for the next election, I think the Australian community is quite right and legitimate in asking Labor: what tax increases is it hiding? Is it hiding an increase in company tax? Is it hiding an increase in personal taxes? Is it hiding an increase in the carbon tax? Or is it hiding further pain for self-funded retirees with increased taxes and charges? Where is the money coming from? Who is going to be hit by Labor's secret tax plan?

We have heard this afternoon from Senator Gallacher and Senator Polley, who have high confidence in the Australian economy. Sometimes I wonder whether some senators might travel to other planets other than our own. Mr Deputy President, I would like to share with you some comments made by the shadow Treasurer when he shared with the House of Representatives data from early September. He said that the economy had grown less than half the rate of the previous three months and that retail sales had fallen by nearly one per cent in July. On top of that, he drew the attention of the House of Representatives to falls in company profits, falls in commodity prices and a deteriorating terms of trade. What did the Treasurer say? The Treasurer said, reflecting on the national accounts data, that the economy was 'simply outstanding'. So I think Australians are right to ask this government: where are its priorities and where are its commitments to improving the state of our national accounts?

Everyone knows in this place that Labor cannot manage money. Labor has true form. We have witnessed scheme after scheme and project after project that runs behind time and suffers from cost blow-outs. Remember the school hall bungles? Witness the massive cost blow-outs as a result of Labor's stubborn position on border protection, refusing for years to concede its policy had failed. Or,
more recently, we have now had confirmed cost blow-outs in the National Broadband Network—not only cost blow-outs in terms of construction of the network, which is worrying enough, but significant cost blow-outs in terms of salaries and other overheads for the National Broadband Network. Never mind that the NBN is running behind schedule and failing by a very, very wide margin, increasing every day, to meet its benchmark targets for customer sign-ups. The government seems to think: if we keep paying more and more for staff at the NBN, we will end up with the problems fixing themselves. That is simply not the case.

Even today we had it confirmed that the Gillard government has wasted $10 million of taxpayers' money. Recall earlier this year when the government announced it was spending $10 million to raise awareness of the importance of recognising Indigenous people in our national Constitution. What did we hear today? The government announced that there was insufficient public awareness and support for this issue. So Labor will not proceed to a referendum, and this is despite the fact that Labor promised such a referendum to the member for Lyne, Mr Oakeshott, as a condition for his support for forming government. It is yet another broken promise—not that Mr Oakeshott seems to mind. Being the resolute man of principle that he is, he has today confirmed to the media that his lavish devotion to the Gillard government will continue. What a sell-out. Australians are entitled to ask: where is Labor's secret tax plan? (Time expired)

Question agreed to.

Vocational Education and Training

Senator RHIANNON (New South Wales) (15:29): I move:

That the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by Senator Rhiannon today relating to technical and further education funding.

Minister Evans's answer to my question showed he is working hard to deny any association between federal Labor and the growing crisis for vocational education and training around the country. Yes, the Baillieu government policies are gutting TAFE because they are ripping out more than $300 million, but the minister cannot get away with sidestepping the shouldering of a fair share of the responsibility for the current mess.

TAFE rallies in Melbourne and across Victoria and in other parts of Australia are really putting focus on how the TAFE system and the wider vocational, education and training system are working between state and federal governments. Minister Evans has effectively declined to intervene to rescue Victoria's TAFE system. That was the essence of his answer today. The federal government has a strong hand in the emasculation of the public TAFE system in Victoria. This is because the minister signed off on the COAG agreement that has created the conditions that favour the private sector over the public TAFE. The minister attempted today to muddy the waters about the Greens position. The Greens do not reject the role of some private providers but the starting point for a quality vocational education and training system is the resource, the public TAFE system, and then there is only a need for private operations when TAFE cannot do the job.

Minister Evans denied the federal government could do anything about the TAFE mess, despite his ability to impose conditions on the allocation of VET funding to the states. He effectively said it is up to the public to campaign to reverse the cuts. Now the public are out there with a very strong message about this and surely when
so much federal money is involved there is a role for the federal government to ensure that our vocational education and training system is working in a way that can deliver the skilled Australia that we hear about so often from the Prime Minister and her ministers.

In Victoria, private vocational education and training courses have now overtaken public TAFE courses. There has been a 310 per cent growth in enrolments in private registered training organisations. Over the past few days there has been a huge campaign around the country on the streets and in a whole number of regional centres. I do congratulate those people because it will be critical to restoring a system that does actually deliver for not only the present generation but also for jobs well into the future and provide that create innovative Australia that we know is so urgently needed to face the challenges that are becoming more complex.

I did want to pay tribute to the teachers, students, friends and families who have been so active today across Victoria. In my own state of New South Wales, there is an urgent job to be undertaken. While the cuts in Victoria have been in the headlines, there are also serious developments in New South Wales. The Illawarra TAFE teachers and their supporters had a major protest yesterday. They passed a resolution condemning the New South Wales government for the $1.7 billion cuts to education across the board that could be resulting in 800 jobs lost in TAFE. There could be an increase in the fees that students will have to pay and overall this will really diminish the education quality that the TAFE teachers are so committed to providing.

The Victorian situation is interesting because it has moved out into the regional areas and is particularly strong there, as well the huge Melbourne demonstration that rallied so many. This is not a new development. It has been going on for months and the pressure is on both Labor and the coalition in the country.

Minister Evans will fail his duty to Australians and the economy's need for skilled workers if he continues down the 'I can't do anything' path that he outlined today. The federal government should be funding and developing private providers, not designing a system that builds a private sector will undermining public TAFE institutions because that is what effectively we have been left with because of the COAG agreement. The minister does have responsibility here. He has power to help clean up this mess. (Time expired)

Question agreed to.

**COMMITTEES**

**Community Affairs References Committee**

**Government Response to Report**

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:35): I present the government's response to the report of the Community Affairs References Committee on its inquiry into funding and administration of mental health services and seek leave to have the document incorporated into Hansard.

Leave granted.

*The document read as follows—*

**Australian Government response to recommendations from the Inquiry into Commonwealth Funding and Administration of Mental Health Services report**

**Committee’s recommendation**

**Recommendation 1:** The committee supports the increased funding to EPPIC and headspace in the 2011-12 Federal Budget on the proviso that this significant policy transformation be evaluated after two years. However, the committee urges the Government to identify or develop strategies...
that will address the need for early psychosis prevention and intervention in rural and remote areas.

Supported in principle.

The Australian Government acknowledges the importance of evaluating the headspace and EPPIC measures to ensure they are delivering cost-effective, good health outcomes. However, given that the expansion of both services is being done progressively, evaluation after two years may not capture the full benefits of the service models.

The Department of Health and Ageing (DoHA) is working collaboratively with headspace in developing a suitable approach for the next headspace evaluation, which will include the 2011-12 Budget expansion.

An evaluation framework for the EPPIC model expansion measure is to be developed in consultation with successful jurisdictions and Orygen Youth Health, founders of the model. An independent evaluator will be engaged in Year 2 of the measure to undertake an ongoing national evaluation.

The Australian Government acknowledges the need to improve access to mental health services, including early psychosis prevention and intervention, in rural and remote areas.

The EPPIC model relies on high-intensity services delivered through 16 core components, and can be difficult to deliver without a critical population mass. Currently the EPPIC model is aimed at delivering prevention and early intervention services in a region with a population of 1,000,000 people. As a first step to making the service more widely available, DoHA is working closely with Orygen Youth Health to adapt the model to suit smaller population sizes, noting that there are workforce challenges associated with such smaller populations.

The Delivering National Mental Health Reform package included important measures that will help to increase access in rural and remote areas, such as the expansion of the Access to Allied Psychological Services program and establishment of a single mental health online portal. This will complement existing rural-focused initiatives, such as the Mental Health Services in Rural and Remote Australia program.

Chair’s Additional Comments

Recommendation 1: The Chair of the committee recommends that the rationalisation of the number of rebatable allied health sessions under Better Access be delayed until it can be demonstrated that other programs (such as ATAPS) are adequately equipped to provide services to people with a severe or persistent mental illness

Supported in Principle

While Better Access was neither designed nor intended to provide intensive services or ongoing therapy for people with severe and persistent mental illness, the Australian Government acknowledges that there are some people with more complex needs who have come to rely on the program.

The Government recognises that some of the services in the 2011-12 Budget package will need time to build capacity before they are fully able to provide care and support to those with more complex needs.

The 6 additional services available under ‘exceptional circumstances’ have been reinstated until 31 December 2012. The standard number of rebatable sessions under Better Access will remain at 10, consistent with the program’s focus on people with mental disorders where short term interventions are most useful. However, for the 2012 calendar year, eligible individuals can receive up to a total of 16 services.

The reintroduction of ‘exceptional circumstances’ for a limited period, provides time for consumers and mental health professionals to adapt to the new arrangements and time for the new mental health services to be able to respond to people with more complex needs.

Recommendation 2: The Chair of the committee recommends that the Government consider putting in place an interim program through the MBS that would allow access to six additional sessions under Better Access for consumers who meet tightened criteria based on the severity of their conditions

Refer to response to Recommendation 1 of Chair’s Additional Comments.
Recommendation 3: The Chair of the committee recommends that the Government continue to evaluate Better Access and keep a watching brief on how the program is being accessed nation wide with a particular focus on the take up of Better Access services by hard to reach groups.

Supported

The Government will continue to monitor the uptake and use of Better Access as a national program, including access by hard to reach groups.

Recommendation 4: The Chair of the committee recommends that the Government develop guidance materials as quickly as possible to assist Medicare Locals and GP divisions in meeting the full potential of the expanded ATAPS program. This material should include examples of nation wide best practice in areas such as financial management and the development of innovative projects targeting hard to reach groups.

Supported

The Australian Government recognises the importance of appropriate resources and guidelines to support the expansion of the ATAPS program, particularly in the areas of growth targeted in the 2011-12 Budget such as child mental health, indigenous mental health and suicide prevention.

Operational guidelines for ATAPS were revised in consultation with key stakeholders and the ATAPS Expert Advisory Committee and distributed to Divisions of General Practice and Medicare Locals in December 2011. This includes operational guidelines to support provision of suicide prevention services.

Purchasing guidance for child mental health services, being developed by the Australian Psychology Society, is currently being finalised and will inform the finalisation of child mental health specific operational guidelines and the training supports needed to upskill the existing allied health workforce to provide appropriate mental health services to children and their families.

Indigenous specific operational guidelines are also being finalised in consultation with the ATAPS Expert Advisory Committee and other key stakeholders. Arrangements are being put in place to provide culturally appropriate training to allied health providers delivering ATAPS services to Indigenous people in consultation with the Australian Indigenous Psychologists Association.

Effective development of local clinical governance arrangements is being supported by a nationally consistent framework and resources being developed by the Australian General Practice Network (AGPN) in consultation with key stakeholders. These will be rolled out in early 2012 and the AGPN will work with Divisions of General Practice and Medicare Locals on implementation.

The Department is commissioning work to undertake an economic analysis of the current ATAPS program (including different funding models) to develop options for enhancing the program’s efficiency, including possible introduction of activity based funding for ATAPS and the identification of efficient business models. The project is expected to be completed by mid 2012.

Recommendation 5: The Chair of the committee recommends that a comprehensive performance assessment framework be established as part of the ATAPS expansion. The data gathered should be used to develop benchmarking tools to compare ATAPS service delivery across Medicare Locals and GP Divisions with similar geographic and demographic indicators.

Supported

The Australian Government acknowledges the role of performance monitoring in ensuring cost effective, targeted service delivery. The development of an activity based funding framework outlined in recommendation 4 will enable benchmarking of service delivery across Medicare Locals and support the development of relevant performance indicators.

The current monitoring and evaluation framework for ATAPS will be progressively reviewed to ensure effective capture of benchmarking and performance indicator data, as well as responding to the monitoring and
evaluation needs arising from the expansion of ATAPS.

**Recommendation 6:** The Chair of the committee urges the Government to revise its scheduling for the 2011-12 Federal Budget changes to ensure continuity of care.

Refer to response to Recommendation 1 of Chair’s Additional Comments.

**Recommendation 7:** The Chair of the committee recommends that any tightening of eligibility for Better Access be delayed until the youth mental health initiatives funded in the 2011-12 Federal Budget are fully expanded and operational.

Refer to response to Recommendation 1 of Chair’s Additional Comments.

**Recommendation 8:** The Chair of the committee considers that consumers must have a central role in any mental health advisory body, and that Aboriginal and Torres Strait Islander people should be represented. The National Mental Health Commission, which will have nine Commissioners and a Chair, should include at least one Commissioner who is a consumer, one who is a carer and one who has Aboriginal and Torres Strait Islander heritage.

Supported.

The Australian Government acknowledges the importance of a central role for consumers, carers and Aboriginal and Torres Strait Islander peoples in the National Mental Health Commission (‘the Commission’). This will be fundamental to enabling the Commission to fulfill its role in providing cross-sectoral leadership and driving transparency and accountability in the system so that better outcomes for consumers and carers can be achieved.

Appointed Commissioners include a mental health consumer, a carer, and a person of Aboriginal and Torres Strait Islander heritage. This was announced by the Minister Assisting the Prime Minister for Mental Health Reform, the Hon Mark Butler MP, on 11 December 2011


**Recommendation 9:** The Chair of the committee recommends that the Government review the operation and structure of the National Mental Health Commission after two years with a view to placing it on a statutory basis.

Supported in principle.

The Australian Government intends to review the Commission after two years, to ensure it is performing well and meeting its objectives. As such, the results of the review will determine any future decisions by Government about the operation and structure of the Commission. The review will also help determine whether the executive agency model is supporting the Commission to operate effectively or whether a statutory model would be more appropriate.

**Recommendation 10:** The Chair of the committee believes that the new Mental Health Commission should undertake ongoing monitoring of the two-tier Medicare rebate for psychologists to ensure that patients have access to the most appropriate practitioners and that workforce balance across the mental health sector is maintained.

Partially Supported

The Commission has been established by the Government to increase transparency and accountability in the mental health services system and provide advice to Government on achieving better outcomes for people with mental illness and their families and carers.

In doing so it will work with consumers, carers, experts, professional groups, other stakeholders and governments, to increase accountability and transparency in funding, delivery, evaluation, effectiveness and outcomes of a range of mental health programs and services.

The Australian Government is committed to ensuring that patients have access to the most appropriate practitioners, that those practitioners have relevant skills and qualifications and that workforce balance across the mental health sector is maintained. The issue of the two-tier Medicare rebate for psychologists under the Better Access program reflects the international benchmarks
regarding qualifications, skills and experience in delivering psychological therapy services.

Consistent with its role in policy development and administration DoHA will continue to monitor the uptake of services provided by psychologists as part of the ongoing monitoring and evaluation of Better Access. The Government would also welcome any input the Mental Health Commission might provide as part of this process.

**Minority Report – ALP**
No recommendations made n/a

**Dissenting Report by Coalition Senators**
No recommendations made n/a

**Senator FIERRAVANTI-WELLS** (New South Wales) (15:35): Mr Deputy President, I seek leave to take note of the report. Leave granted.

**Senator FIERRAVANTI-WELLS**: It is opportune that this response is given by the minister. Let me take the opportunity to acknowledge that tomorrow is World Alzheimer's Day which aims to unite the world and raise awareness of dementia. I also acknowledge the significance of Dementia Awareness Week which also starts tomorrow and goes to 28 September. Of course, dementia can happen to anybody but it is more common after the age of 65. However, we know that people in their 30s, 40s and 50s can also have dementia. There are almost 280,000 Australians currently living with dementia. This is expected to soar to 2050 and each week there are 1,600 new cases of dementia in Australia.

I remind the Senate that when last in government the coalition committed $320 million in the 2005 budget to help fund the Dementia Initiative, making dementia a national health priority. As Alzheimer's Australia have said, 'the 2005 Dementia Initiative was at the time a world first'. Despite this initiative providing invaluable help to dementia sufferers—and a government evaluation in October 2009 found that the initiative was very successful—those opposite in the Australian Labor Party deliberately dropped the funding for this program. I am pleased, however, to see that dementia has now been made a national health priority. I also remind the Senate that we had on 13 September RU OK? day and various senators, including myself, made speeches in support of that.

So today we have the tabling of the minister's response, and I find this a bit curious actually because the letter to Senator Siewert from Minister Butler was dated 17 April 2012 and it was supposedly received by the committee, I would assume, on 20 April 2012. I find it very curious—and perhaps Senator Siewert might be able to shed some light on this—why it took five months for the minister's response to be tabled in the Senate. I see Senator Siewert shaking her head, and if you did not get it, Senator Siewert, it makes it even worse. What sort of an incompetent government do we have that it takes five months for a letter from the minister for mental health to actually find its way to the committee? I think it would be appropriate for the minister to provide us with an explanation of that.

Having received the response, I must say the minister's response is not really worth the paper that it is written on because, certainly from the coalition's perspective, it absolutely does not address—and I will leave it to Senator Siewert to deal with the recommendations that were in her chair's report—and offers no comfort in relation to the issues, and in particular addresses the justification for the cuts to Better Access. I remind the Senate that the Better Access initiative was one of the main programs that were under discussion as part of the Senate's inquiry into the funding and administration of mental health in Australia.
In our concluding comments we were very critical of—and indeed the coalition senators' report and a lot of the evidence that was given at hearings was very critical of—the way the government had undertaken the changes to Better Access. There had been, as usual, scant consultation with key stakeholders to properly assess the impact of the changes that were made by the government, most especially the impact of those changes on patients. Indeed, the government had relied very heavily on its Better Access evaluation, which in itself had been criticised for its deficiencies in methodology and datasets. So I believe it was very clear that the government undertook an evaluation of Better Access with the specific objective of ensuring that this evaluation was set up to then result in the cuts that we saw. If you do look at this evaluation, you see several submitters to the inquiry commented on what they considered to be the weak aspects of the methodology or the limitation of the dataset. One of the most important objectives as to why Better Access was established was better coordination of services between mental health services, and this evaluation did not measure this or indeed did not measure important other objectives of the Better Access program. Questions about this evaluation were raised in estimates and, indeed, this evaluation formed very much the basis upon which the minister and his kitchen cabinet made important decisions about cutting huge chunks of money out of the mental health budget, out of Better Access, and redirecting them to other areas.

It is interesting to note for mental health the big headline of $3.7 billion for the reform package but in the end only $583 million was actually the net spend and one only has to look at all the criticism: GetUp! and the candles and the full bit with the 'Mental health: how important is it?' campaign. And I correct myself: it was $3.7 billion for the ageing package, which of course I have spoken about on other matters; in terms of mental health it was $2.2 billion. But in the end it is all smoke and mirrors because of this: how much of it has actually been rolled out? There was the package that had the suicide prevention money. Remember the promise on suicide prevention? '$277 million is what we are going to spend.' In the first year they were supposed to spend $9 million to roll out important programs but they did not spend $9 million; they spent $7 million. What has happened to the rest? It has taken them a year to spend money in relation to addressing suicide issues in the Kimberley, and we have traversed the long and laborious process that this government has undertaken in relation to addressing that issue in the Kimberley. So what has happened to the suicide prevention money? Indeed most recently we had Professor Hickie criticising what is happening in mental health and we have even had Professor McGorry too, despite Professor McGorry having stood side by side and applauded what the government had done. I think he has now realised that what the government has done has just been a smoke and mirrors exercise when, sadly, we are dealing with some of the most vulnerable people in this country, our mentally ill. One in five Australians has a mental health issue. Almost 45 per cent of Australians will suffer a mental problem in their lifetime. These are huge statistics, so where is the rollout of this money? Quite frankly, we are not seeing it.

The latest insult is this road map that the mental health sector has been waiting for. Last week I raised this issue. It was given out on a Wednesday, and the sector was given until the Monday after—four days to respond to a very important document that is supposedly going to be a road map for the next 10 years. But, as Professor Rosenberg said, 'It is in effect a road map to nowhere.'
Having seen the latest iteration of it, it basically recommends the status quo. How can you have mental health reform when you are going to keep matters the way they are?

Senator WRIGHT (South Australia) (15:45): I too rise to take note of the Australian government's response to the Senate Community Affairs References Committee report on the inquiry into Commonwealth funding and administration of mental health services. I acknowledge the comments made by the government in its response and I recognise that the government is progressing with the budget commitments it made in 2010-11.

I would like to acknowledge that a solid commitment to mental health was made at that time by the government, and it was described by the government at the time as a 'centrepiece', with a view to increasing funding over a period of time. Approximately $1.5 billion of funding was allocated in the five-year package of new initiatives or the expansion of existing ones. The government is rolling out those initiatives and seems on track to satisfy the agenda that was then set, with the recent announcement of 15 new locations for headspace services, the gradual national expansion of the EPPIC model and the commencement of the National Mental Health Commission and its report card, which we are currently anticipating.

However, progress is slow and the investment is perhaps not the centrepiece that we originally thought and hoped for, given the extent of the chronic underfunding of mental health services over a long period of time in Australia and the fact that this is continuing to be the case. We know that mental ill-health makes up 13 per cent of the total burden of disease in Australia but that funding for mental health services is only around half of that, at six to seven per cent. Some stakeholders fear that funding is decreasing rather than increasing, given the proportion of mental health funding as opposed to the increases in the overall health budget.

We should be striving towards achieving funding of mental health services that is commensurate with the burden of disease. Research indicates that only 38 per cent of those who have experienced a mental health problem in a year were seen in relation to that problem during that year, so there is clearly still a great degree of unmet need, and that does not even cover those people who do not have or who have not been diagnosed with a mental health problem or issue, although there are also many of those.

The absence of effective evaluation and accountability processes also raises the question of whether the money currently being spent is being targeted where it is needed most and whether we are indeed rewarding the right programs, because there are many innovative and effective community based mental health services out there.

Unfortunately, as we have seen with the Mental Health Nurse Incentive Program, it appears that this is not necessarily the case. The Mental Health Nurse Incentive Program, for instance, is an excellent mental health service that assists many of our most vulnerable members in the community to live healthy lives. Funding of the program was frozen in May this year before any valuation was undertaken. There is anecdotal evidence becoming available to me that the freeze in funding has in fact cut services by more than 20 per cent, effectively, across the board. Given the important work that mental health nurses do, often assisting people with severe and persistent mental illnesses to remain as well as possible and to participate in the community, this outcome is very concerning. I am also aware that these nurses provide an essential service in rural and
remote Australia, where workforce issues are of great concern and where it is often very difficult to get specialised mental health practitioners.

Another area of concern is indeed the lack of targeted funding to rural and remote mental health services. Despite investments in the 2010-11 budget, gaps in mental health services for people living in rural and remote areas are a continuing serious concern. The statistics bear this out, but so do the stories and experiences that I have been hearing in my ongoing consultation with people in the bush. The Australasian Centre for Rural and Remote Mental Health stated that 'the 2011-12 budget mental health package contained no specific mental health programs or allocations for rural and remote Australians, nothing that demonstrates understanding and care'. Recent reports about high levels of suicide in rural and remote areas have also highlighted the continuing theme of unmet need and lack of access to services in these areas.

In addition, there is an unequal distribution of health professionals between urban and rural and remote areas. We know that 91 per cent psychiatrists have their main practice in a metropolitan area and only nine per cent in rural areas. The unequal distribution of mental health services in rural and regional Australia poses far-reaching consequences for both individuals and their communities. An inability to obtain proper mental health care can affect a person's ability to complete their education, maintain employment, engage in social and community activities and form healthy relationships, and it contributes to a greater risk of developing physical illnesses. It is therefore vital that adequate funding and attention is given to all aspects of mental health in Australia.

In relation to rural and remote Australia we must ensure that equal need equates to equal distribution of mental health services. Given the government's recent injection of funding in the mental health sector, it is timely to review the impact of that funding and whether it is in fact improving the delivery of mental health services throughout Australia in terms of the actual outcomes and the lived experiences of the people who need those services. Identifying current unmet need and gaps in service delivery in regional, rural and remote Australia is something that the Greens are particularly concerned about.

As spokesperson for mental health for the Australian Greens it is my view that this is an area of mental health policy that has been neglected for far too long. We want to work towards increasing funding for mental health over coming years so that it is commensurate with the burden of the disease, and we want to make sure that it is reaching those people who need it, that it is well targeted and that, ultimately, we see results which mean that Australians who have need of services are able to access them.

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:51): Mr Deputy President, I would like to clarify a point that Senator Fierravanti-Wells raised during her contribution.

Senator SIEWERT: Just one; Senator Wright has done a very good job on the other points. My point is about the letter that came with this. I want to articulate that it first came to the community affairs committee. This is not normal practice. It did in fact come in, but it was a mistake to send it to the committee first. Of course it should be tabled here, and the committee notified the minister's office about that. However, I will point out that it was noted at a committee meeting on 24 April this year and that
Senator Fierravanti-Wells was actually there. That note had gone round to the full committee, not just to the committee secretariat. I wanted to make it clear that there was no secrecy or anything like that involved, and that it was transparently circulated to members of the committee.

Question agreed to.

BILLS

Marriage Amendment Bill (No. 2) 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CROSSIN (Northern Territory) (15:53): I rise to sum up the debate on the Marriage Amendment Bill (No. 2) 2012. I understand that I am the last speaker in what I think has been an important week for this country, both here and in the House of Representatives. I want to start by thanking the Senate for allowing us the time to undertake this debate. It is not a government piece of legislation, but unusually it is a piece of legislation that has been moved by four members of a government. I also want to place on record my acknowledgement of those who have contributed to this debate and the personal stories we have heard. The wide-ranging views of people both for and against this legislation have, I think, enlightened our community in one way or the other around this country as to what people in this parliament are thinking.

I want to start by putting on record my personal situation. I, like many other people in this country, have either family members or very close friends who identify as gay or lesbian. If they are family members, of course I have known them all my life. The friends I am talking about I have known for the best part of nearly 40 years. I am a heterosexual woman and I have been married for 30 years.

Senator Wong: Well done.

Senator CROSSIN: Senator Wong, I might take that interjection. The man in my life I met when I was only 14 years old. I ended up marrying this person because he was my best friend, because he was the person I knew I wanted to spend the rest of my life with. I fundamentally believe in the institution of marriage. I go to a lot of wedding ceremonies; I am going to one at the end of October—another family wedding. It will be a marriage. It is between my brother-in-law and his female partner. But for me, I guess in the words of Nicola Roxon, the only thing that defines his marriage as anything different to the relationship my sister-in-law has is that one piece of paper, and I think that is fundamentally unfair.

Marriage is a secular institution. Marriage equality for same-sex couples is not an inherently religious issue. I think that marriage as an institution stands in this country whether or not you are religious, no matter what your race is, and I think the day has come when we should say no matter what your sexuality is. It does not have an inherent procreation dimension. Some say that same-sex relationships are not designed to have children. I would say some heterosexual relationships are designed not to have children. I do not believe that people marry these days simply and solely to have children, and if that is the reason you do it then I think it is wrong. You marry someone these days because you love them and because you want to spend the rest of your life with them.

The Marriage Act says that marriage is between a man and a woman. We are simply trying to say that it should now be between two people; you enter it voluntarily, you are
not forced to do it; you want it because you want to do it; and you commit to it for the rest of your life. There are religious ceremonies, and there are other secular ceremonies that go to the words of 'for better or for worse'—and let me tell you, after 30 years there are some better times and there are some much worse times, apart from the fact that I am married to a Carlton supporter, but you have to live and let live! In sickness and in health: there are certainly those times in our lives, but thankfully we have not reached the stage between the two of us where either of us has been fundamentally and chronically ill. I am not sure I am going to go to the honour and obey, as some people opposite me think I ought to. I have never said that and I never will say that because I believe a partnership between two people should be equal.

But what about those who say that marriage has to be between a man and a woman because it is about having children? I say: what about those couples who are infertile? I say: what about those couples who decide to get married well into the end-time of their life when they are older? I say: what about those couples who never intend to have children but still want to be married? And I say: but what about the marriage where children come into it and either one of the partners is alcoholic or is a drug addict? At the end of the day, that is not really the kind of home and relationship you want any child to grow up in.

I want to touch today on the fact that I have been brought up a Catholic. I come from a profoundly religious Catholic background. In the Catholic Church the doctrine tells us that marriage is the only place for legitimate sexual activity. In fact, if you were going to be a profound Catholic and practice that today, you would not have sex before marriage, but we know that does not happen. You would be opposed to IVF, but we know that does not happen either. You would certainly not be taking the contraceptive pill, and we certainly know that does not happen amongst Catholics. We certainly know that if you are profoundly Catholic and religious then you believe marriage is the only institution and must be the only institution that has the unique capacity to generate children, but we know that is not true today either. But none of these views is held by the vast majority of citizens in this country anymore. We have all moved on. We support IVF. We freely get access to the contraceptive pill and we know that there are plenty of people that have sex well before marriage and we know that there are plenty of people that are not married that have children. The one last remaining hurdle to achieving to equality in this country is the actual fact of people being able to marry, about the right of people to get married despite their sexuality and because they love each other.

The marriage vows under the act themselves make no mention of having children or procreation. It would seem that the vast majority of faithful Catholics these days have accepted that it is time to move on. Marriage has changed over time. The Bible in fact mentions polygamous marriage. The Bible talks about the purchase of wives. Through history we know that wives were purchased for marriage. Through history we know that widows in fact could become the wife of their brother-in-law. We have no evidence of Christian marriage rights until the ninth century. These have changed over time from a right of property transaction—that is, you would marry a woman because of the relationship with the property and the ownership of that woman—to one of mutual affection. The Christian theology of marriage is not fixed and nor is it universally agreed. So what am I saying? I am saying that over time the definition of marriage and the way
in which marriage has been treated has moved and evolved. We have now come to another point in time where it needs to evolve again.

Andrew Sullivan, who is a British conservative Catholic who is also gay, writes very convincingly that 'marriage is an institution which should be upheld, not undermined.' The Marriage Act discriminates against same-sex couples by prohibiting them access to marriage. I do want to remind people again of the words of the British Prime Minister who says that he is in favour of same-sex couples getting married because he is a Conservative. I think if you believe in the fundamental institution of marriage, then let's open that up. Let's make it attainable to all those people who want to enter into that binding and loving relationship. I say if other people want to join me and be happily married for 30 years, well, then let's welcome and to do that; let's encourage them to do that.

The Universal Declaration of Rights in article 16 says:

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

Article 2(1) of the International Covenant on Civil and Political Rights states:

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 23(1) says:

The family is a natural and fundamental group unit of society— That is true.

23(2) The right of men and women of marriageable age to marry and to found a family shall be recognised.

Not necessarily a man to a woman. You will notice the words do not say that. The right of men and the right of women. Perhaps it is time to interpret that as being to each other.

Article 26. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. …

The language of article 16 and of article 23 is sufficiently broad, I believe, to encompass the right to marry for same-sex couples.

Australian Lawyers for Human Rights contended that the meaning of the treaty's terms is not static and must be interpreted with the framework of the legal system prevailing at the time of interpretation. A textual analysis of the covenants might suggest that article 23 should be read as only allowing a heterosexual union. The text on the face of it does not demand, though, such a restrictive interpretation and could be read in the light of developments in the law of the state and what may evolve with law during time.

In his submission to my Senate Legal and Constitutional Committee's inquiry, the Hon. Michael Kirby noted that increasingly such court decisions have upheld the principle of marriage equality for opposite sex and same-sex couples. The Castan Centre for Human Rights Law argued that, due to changing societal attitudes to same-sex marriage, the right to marry in article 23 of the ICCPR would come to be interpreted 'through the lens' of article 26—the right against discrimination.

Opponents of marriage equality also refer to cases of the European Court of Human Rights in support of the argument that there is no right at international law for same-sex couples to marry. For example, some note the case of Schalk and Kopf v Austria, a
European Court of Human Rights decision in 2010 which clarified that the European Convention of Human Rights does not oblige member states to legislate for, or legally recognise, marriages between same-sex couples. But the important point to note from the decision in Schalk is that there is also no impediment to states moving to recognise that marriage equality.

The introduction of legal recognition of same-sex marriage in many parts of Europe and the United States has prompted doctors and psychologists to investigate how same-sex marriage and issues around same-sex marriage impact on the health and wellbeing of same-sex-attracted people. These were raised in many of the submissions I heard this week. But what are the facts about same-sex marriage and issues that arise around marriage equality that are based on rigorous, scientific investigation in the health disciplines? Research has been conducted by at least seven eminent doctors and psychologists—research that they have titled, All you need to know about same-sex marriage. We have heard a lot of contributions this week from people who think they know what the outcome is—who have tried to second-guess what that is. But what does this research actually say? This research actually says that married couples are happier and have better mental health outcomes than non-married people on average. They are more committed to making their relationships work. They attract more social support and are more happy and satisfied with their relationships. These benefits are unique to a happy marriage. Cohabiting couples do not show the same positive health outcomes.

Discrimination, whether legal or interpersonal, increases psychological disorders and physical infirmity for same-sex-attracted people. Denial of the right to marry is linked to financial uncertainty, psychological distress and chronic stress. Same-sex couples who were married following the legalisation of same-sex marriage in the US and Europe report improvements in their personal and relationship health and wellbeing, and increased social acceptance and support.

Children raised from birth by same-sex couples have the same psychological, social, and academic outcomes as children raised from birth by opposite-sex couples. As with the children of heterosexual parents, the majority of children of same-sex-attracted parents grow up to be heterosexual. Marriage of same-sex parents has been shown to improve the health and wellbeing of their children and actually gives the family legal protection. Civil unions and domestic partnerships are devalued compared to marriage by both same-sex-attracted and opposite-sex-attracted people. It has been shown that civil unions for same-sex-attracted couples do not confer the same health benefits that marriage does.

I stand here this afternoon to sum up the argument for those people who want to see change to the Marriage Act, who actually believe that now the majority of Australians actually think it is time to change. It is time to recognise that these people are wonderful people, they are normal. They are people we live with and we work with. They are people we love as members of our family and as our friends. It is time that we opened the door to the sacredness and the institution of marriage to these people.

I will conclude my speech with three quotes. Justin Koonin, a wonderful young man who presented to us in Sydney as part of our inquiry, from the NSW Gay and Lesbian Rights Lobby had this to say:
We are here today asking for recognition of the depth of our relationships and the dignity of our sexuality.
Shelley Argent—who I think is a fabulous trooper for this cause; no wonder she has an OAM—represented Parents and Friends of Lesbians and Gays. If you truly listen to Shelley, she makes a very cogent argument about why it is time this country needs to grasp this nettle of change. She says:

As a parent, it is quite heartbreaking when I see that my one son has all the advantages and he has not done anything special to have those advantages, and yet my gay son ... the one with the relationship is seen as second rate.

Finally, I will quote from an email I received from Alana:

Thank you so much for sponsoring the bill on marriage equality. It is a proud and historic day for the Territory and I hope we will be among one of the first states and Territories of Australia to recognise the dignity and equality in love. I deeply applaud your position on this matter and the support you have shown for the LGBTI community.

From the bottom of my heart to you and your colleagues who support this vital and important cause to take Australia into a future of equal rights and equal love, I THANK YOU.

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

The Senate divided. [16:15]

(The President—Senator Hogg)

Ayes.....................26
Noes.....................41
Majority...............15

AYES
Brown, CL (teller)  Cameron, DN  NOES
Carr, KJ  Crossin, P  Back, CJ
Di Natale, R  Evans, C  Bishop, TM
Faulkner, J  Hanson-Young, SC  Boswell, RLD  Cash, MC
Ludlam, S  Lundy, KA  Collins, JMA  Cormann, M
Marshall, GM  McEwen, A  Eggleston, A  Fawcett, DJ
McLucas, J  Milne, C  Moore, CM  McKenzie, B
Rhiannon, L  Pratt, LC  Ryan, SM  Parry, S
Thistlethwaite, M  Siewert, R  Sinodinos, A  Polley, H (teller)
Urquhart, AE  Thorp, LE  Stephens, U  Robinson, M
Whish-Wilson, PS  Waters, LJ  Williams, JR  Xenophon, N
Wright, PL  Question negatived.

PARLIAMENTARY OFFICE HOLDERS

Temporary Chairmen of Committees

The DEPUTY PRESIDENT (16:19): Pursuant to standing order 12, I lay on the table a warrant revoking the warrant nominating Senator Sinodinos as a Temporary Chair of Committees.

AUDITOR-GENERAL’S REPORTS

Report for 2011-12

Report No. 4 of 2012-13

The DEPUTY PRESIDENT (16:19): In accordance with the provisions of the Auditor-General Act 1997, I present the following two reports of the Auditor-General:


Report no. 4 of 2012-13—Performance audit—Confidentiality in government contracts: Senate order for departmental and
agency contracts (calendar year 2011 compliance).

COMMITTEES
Electoral Matters Committee
Report
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:20): On behalf of the Chair of the Joint Standing Committee on Electoral Matters, I present the report, Review of the AEC analysis of the FWA report on the HSU, together with the minutes of proceedings of the committee and the transcript of evidence.

Ordered that the report be printed.

Senator CAROL BROWN: by leave—I move:
That the Senate take note of the report.

In this report the committee makes 13 recommendations to improve Australia’s disclosure arrangements and to enhance the transparency of the flow of money through our political system.

During this inquiry the committee reviewed the Australian Electoral Commission’s—the AEC—analysis of the Fair Work Australia—the FWA—report on the Health Services Union national office. It also considered a list of matters provided by the AEC as possible measures to improve the operation of the Commonwealth Electoral Act 1918.

The committee’s focus was on disclosure obligations under the Electoral Act. It was not the committee’s role to forensically examine internal HSU authorisation processes, or to adjudicate on alleged contraventions against the Fair Work (Registered Organisations) Act or other alleged fraudulent behaviour. This was outside the committee’s terms of reference. A number of other processes are underway to address those matters.

The committee considered 17 possible measures provided by the AEC for consideration and supported most of these measures. A number of the recommendations made in this report have been made in previous reports, including to:

- reduce the disclosure threshold from more than $12,100 for the 2012-13 financial year to $1,000 and remove CPI indexation; and
- increase the frequency of disclosure reporting from annually to six-monthly.

Changes to the penalties for breaches of the Electoral Act are also needed. The committee has recommended introducing administrative penalties for more straightforward breaches, such as a failure to lodge a return by the due date. This will enable the Australian Electoral Commission to deal more effectively with these types of offences. The committee has also recommended strengthening the penalties for the more serious offences, including those involving fraud.

In this inquiry it was clear that the category of ‘associated entities’—which requires disclosure by certain organisations with close links to political parties—is confusing and is not operating as effectively as it should. To address this, the committee recommends clarifying the definition of an ‘associated entity’.

A significant reform the committee is proposing is to deem registered parties as bodies corporate for the purposes of the Electoral Act, to better focus the responsibility for breaches on the parties. It is intended that this will encourage political parties to ensure that the person tasked with lodging returns is suitably qualified to perform the role, and that effective systems are in place to ensure a complete and accurate return is lodged.
Another gap in the current arrangements is in the current disclosure period for new candidates, which only commences from their preselection or nomination. The committee has recommended introducing a requirement for new candidates to disclose relevant donations and gifts received and money spent in the 12 months prior to their preselection or nomination.

There were certain measures that the committee did not support, which were:

- to require that all returns are audited before they are lodged;
- to abolish the category of associated entities; and
- to require that political donations and spending must move through dedicated campaign accounts.

In developing its recommendations, the committee aimed to strike the right balance between the goals of transparency and accountability, and the administrative realities for the parties, organisations and individuals with reporting obligations. The committee believes that these recommendations strike the right balance.

On behalf of the committee I thank the organisations and individuals who assisted the committee during the inquiry through submissions or participating at the public hearings in Canberra and Melbourne. I also thank my colleagues on the committee for their work and contribution to this report, and the secretariat for their work on this inquiry. I commend the report to the Senate.

Senator RYAN (Victoria) (16:24): Before I commence my remarks on this report by the Joint Standing Committee on Electoral Matters I would like to specifically thank the secretariat of the committee. I have on one occasion run out of time and failed to do so. The secretariat of the committee has done a fantastic job in assisting the work of members of the committee.

I want to point out a few very important differences with respect to this report. Senator Brown talked about 'the committee', but we need to make it clear that it was the Labor and Greens members of this committee that supported these recommendations. It is the Labor and Greens members of this committee that do not see a problem with the way this investigation was conducted into the incidents and the scandal about the Health Services Union. This was a limited inquiry into that. Firstly, the evidence that we were presented with as members of the committee, the Labor and Greens majority on this committee have prohibited us from presenting to this parliament. Let us make this clear. The evidence that we were presented with to consider this particular issue: the Labor and Greens majority on this committee has prohibited me informing my fellow senators about that evidence. That places an extraordinary limitation on the validity of this inquiry.

On another matter, we have a situation where the Australian Electoral Commission was presented with more than 500 pages of evidence and asked for a final response to that, and did so in less than 72 hours. Those 500-plus pages are enormously detailed for the AEC to be given a couple of days to respond to and have not given us, as non-government members of the committee, an opportunity to consider the detail of that response. Furthermore, the opposition members of the committee did seek to have another hearing with the Australian Electoral Commission to discuss the response to those 500-plus pages of reports and that opportunity was denied to opposition members of the committee by the Labor Party and the Greens party majority.
They are all issues about the inquiry. There is one other thing is missing in this discussion. We can discuss time and time again the scandal that is the Health Services Union and the misuse of members' money. We get hung up on procedural issues and on whether there were technical breaches or the process of the investigation. And we sometimes forget there is no contest that the money of thousands of members of trade unions, often low paid, was misused. We know that. No-one has come into this chamber or the other place and defended the use of members' money by a member of the other place and the management of the Health Services Union.

I would like to highlight several aspects. Senator Brown in her presentation of the report did talk about the flaws with respect to the associated entities laws. There is a profound flaw in this, and that is that while the state branch of the Health Services Union is considered an associated entity because it sends delegates to a conference of the Labor Party in this case, the missing part of this law is that the national office of the same organisation is not considered an associated entity. That is a major hole in our electoral administration because it provides not only the incentive but the opportunity for a state branch of a union to simply shuffle money to the national office of the union which can then be spent in any particular way and not be covered by the associated entity regime. That is a real hole in our law. It is a recommendation that we have highlighted before and made recommendations about before, but the Labor Party refuse to even acknowledge it. They have not addressed it, they do not acknowledge it and their recommendation does nothing to deal with that problem.

We know why. It is because of the second point I am going to raise, and that is the AEC's use of its audit powers. It disturbed me when I found out in the course of this inquiry that from 2007 until 28 August the Australian Electoral Commission had conducted 256 audits of political parties and associated entities but when we asked a very simple question—'Can we see the list?'—something became very apparent, and that was that only one of those was a trade union. That is one out of 256 in five years. Let us go through some of the organisations that were audited. The Lady Wilson Foundation was audited twice. The Blue Ribbon Foundation was audited. And the Australian Democrats, somewhat smaller in 2011 than the contribution played by trade unions. In the annexure to the opposition's dissenting report there is this list. What we have here is that the only trade union that was audited was the HSU East, and only after that issue hit the newspapers and became a matter of public debate.

That was profoundly disappointing. I am being very careful with the words I use here. It concerned members of the opposition and I think it highlights a significant flaw in the culture of the Electoral Commission. We were given a number of reasons for this—it is all in the Hansard of the hearings. Firstly, we were told that Fair Work Australia does it, as though that somehow removed from the Australian Electoral Commission the responsibility to administer the law with which it is charged. Those laws for Fair Work Australia, we now know, did not work, because it did not uncover this scandal; it did not prevent the misuse of HSU members' money. We would not want to wake up after an election and find out that there had been similar flaws in the management of the finances of an election campaign. It is also a different regulatory environment for a different purpose. Fair Work Australia does not serve the purpose of the electoral law.

We heard the Electoral Commission say it had had no additional resources provided
since the changes to the law in 2006 that brought trade unions into the associated entity regime. That is no excuse. It is no excuse to say, 'Well, you'd didn't give us any extra resources, therefore we are going to audit just one side of politics,' even if that happens simply by inertia rather than by intent. When the law changes, the behaviour of the statutory authority should change. When the law changed, the Electoral Commission should not have said: 'We don't have any extra resources; we're going to continue with what we've done.' It should have divided those resources so the appearance of neutrality was immediately apparent to anyone who looked at this list. Only one union was audited out of the 256 audits of organisations. Some of the organisations that were audited donated less than $10,000 over the period in which they were audited, yet we had unions donating in the millions over a five-year period. The Electoral Commission had no answer.

The Electoral Commission had a series of other excuses, such as there sometimes being money shuffling between political parties and associated entities. That is true, but we are looking at amounts of money that are tens of thousands or hundreds of thousands of dollars less than the same money shuffles that go on between members of political parties—that is, trade unions—and the Labor Party. We have groups that do nothing but fundraise a few thousand dollars in an electoral cycle. If they support a candidate they are dragged into the associated entity net. But the shareholders of the Labor Party—we are not talking about people who just donate money; we are talking about organisations with which many in this chamber are very familiar—who are effectively voting shareholders in one of the major parties in this country, who send along slates of delegates, who donate hundreds of thousands of dollars to the Labor Party either in membership fees or donations for campaigns and who then run other campaigns on top of that were not audited by the AEC. It did not audit even one of them.

The reason I am being careful with my words is that I do not want to assign a motive to that behaviour. I do want to highlight that continued behaviour like that will draw into question the faith of one side of politics in the fair and impartial administration and use of AEC resources. We cannot go on and find out in another five years that out of another 250 audits the Lady Wilson Foundation has had another couple but the HSU, the CFMEU, the AMWU or any other part of the alphabet soup that makes up the other side of politics has not been audited. That is a real worry. Anyone who dismisses it does not put enough value on having an impartial electoral commission.

Senator Brown also mentioned the series of Labor Party recommendations in this report. None of them relates to anything we heard before the committee. These recommendations are rehashed from previous reports written by the government that are aimed at lowering the donation thresholds. We know that leads to intimidation of donors, as happened with people who might have sparked up and talked about school halls. There was no evidence whatsoever before the committee that said the donation threshold needed to be lowered from $12,000 to $1,000. There was plenty of evidence before the committee that said credit cards are a route to electoral fraud, because we cannot trace cash withdrawals. There was plenty of evidence before the committee that said the donation threshold needed to be lowered from $12,000 to $1,000. There was plenty of evidence before the committee that said credit cards are a route to electoral fraud, because we cannot trace cash withdrawals. There was plenty of evidence before the committee that there had not been auditing of trade unions. This report from the Labor Party should not be taken seriously.

Senator FIERRAVANTI-WELLS (New South Wales) (16:34): I too rise to make a contribution to this debate on the report by
the Joint Standing Committee on Electoral Matters. I am indebted to the clerks for providing me with a copy of the report, because there do not seem to be too many available. I am not surprised, because this Labor-Green report is really not worth the paper it is written on.

I come at this from a different angle from Senator Ryan, who spoke about the AEC in particular. We know that a donor who has made gifts to candidates and political parties in relation to an election within a disclosure period—in the case of Mr Craig Thomson that was between 13 April 2007, the date he became endorsed as a candidate, and 24 November 2007, the election day—is required to file a donor annual return setting out the amounts or values of those gifts. The monetary threshold for that disclosure was $10,300 in 2006-07 and $10,500 in 2007-08. The dissenting report by coalition members of the committee sets out our concerns in relation to that.

How can this report be taken seriously, considering the lack of material that was made available to the Australian Electoral Commission in relation to its investigation? It is very clear here that it did not see a very pertinent report, which is the BDO Kendall report, which was the first report that was done when the HSU national secretary first became aware of these inconsistencies. Certain reports were undertaken and there was a referral by Slater and Gordon to BDO Kendall, who, forensically, based on the documents that they had available, prepared their report.

I find it appalling that the AEC did not have access to all the documents that were available to Fair Work Australia. It meant that they were only able to undertake a paper analysis of this whole situation. We have material that is in the public arena but we also have material that potentially could come to light if this government stopped hiding the annexures to the Fair Work Australia report. As I have said to the Senate, the Fair Work Australia report has seven lever arch folders of attachments to that report, which are integral to that report, but which the Australian Labor Party refuse to release. Senator Marshall has stood up in this place and given us some pithy reason as to why they should not be. Reports that are released to the Senate or to Senate committees have attachments to them. In this case, there are seven lever arch folders of documents. So why should they not be released? They are an integral part of the Fair Work Australia report, therefore they should be released.

But I have been trying since May this year to have those documents released. After I first sought access to the documents I was only able to attend at the office of the committee to read these reports. This is an appalling way of doing business in this place, but it is very clear that those documents will never see the light of day. It is little wonder that they were not shown to the Australian Electoral Commission. Those documents will never see the light of day because they tell an absolutely appalling story of the conduct of the HSU and of Mr Thomson in his activities.

It is very clear that if those documents were released and if somebody forensically went through them they could find information that is currently not available in the public arena. They could also disclose, after proper scrutiny, whether there were other matters which required further investigation of Mr Thomson’s activities that have not been investigated to date. After the release of the Fair Work Australia report, we saw another chit or further expenses come to light, which demonstrated that Mr Nassios in the Fair Work Australia investigation which was undertaken had not picked up. It is
possible that a forensic assessment of these documents could disclose further evidence of mismanagement, further evidence of Mr Thomson’s activities or, indeed, further evidence of the activities of other persons.

As I have said, having had the benefit of reading all documents in all seven lever arch folders, to me, it is not surprising why the Australian Labor Party will do everything humanly possible to ensure that those documents never, ever get released, because those opposite have something to hide. That is why those documents were not released and why those documents have not been provided to those persons and those bodies which have been investigating anything to do with the HSU matter.

What does that tell you about those opposite and their Green alliance partners? Yes, you come in here daily, complaining about access. When the Greens have not been provided with documents they come running in here, complaining about freedom of information and access to documents and all sorts of things. But when push comes to shove you will always do what you did last time and that is vote with the government to preclude important information being disclosed to the Senate to allow the senators and this parliament to properly do their work. So it does not surprise me that this report is not worth the paper that it is written on. There have been cash withdrawals and thousands and thousands of dollars have not been disclosed.

In estimates hearings I asked the Australian Electoral Commission questions about the activities of Mr Thomson, Ms Crislee Stevens—his partner in crime when they set up Coastal Voice—and Matt Burke, who subsequently was put onto Senator Hutchins’ staff. These people were paid out of HSU funds. Interestingly, I was able to find out a whole lot of information in relation to Coastal Voice but, lo and behold, the Australian Electoral Commission was not able to find out the information. And, of course, oh deary me, the time passed and therefore the Australian Electoral Commission could not undertake the relevant prosecutions that would have been and ought to have been properly undertaken into the failure by those opposite and, in particular, by Mr Thomson to disclose relevant expenditure that was directly related to his election as the member for Dobell. Thousands and thousands of dollars were never, ever disclosed and, in the end, the time passed and Mr Thomson walks off and then has the audacity to say that he has been vindicated.

Well, excuse me! It is obvious that the Australian Electoral Commission certainly did not do its job properly in the first place and, in this instance, should have been provided with all the documents.

**Senator MARSHALL** (Victoria) (16:44): I do not particularly want to speak to the report. I will just respond to some of the allegations Senator Fierravanti-Wells made in relation to the release of the supporting material to the Fair Work Australia report. I want to directly respond to some of those things because it is so typical with the Liberals that, when they do not get their way, they see a conspiracy and try to make political grandstanding out of what were very carefully considered decisions that were made, particularly by the Senate Education, Employment and Workplace Relations References Committee.

So let's be very clear: when the committee got the Fair Work Australia report into the HSU, it released it virtually immediately—as soon as it was practicable to be released. When the report was able to be uploaded onto the committee website, it was. There are many volumes of documents of supporting
material for that report, but it is the Fair Work Australia report itself which is a distillation of all that material. That material contains many documents that name different people—people who are not the subject of any allegations and who are not public figures—and it would be an incredible breach of privacy if this committee simply uploaded what I think amount to tens of thousands of pages of receipts, letters, minutes and a whole range of other supporting material that have been distilled and summarised in the actual Fair Work Australia report, which is made public.

We know that all that supporting material has been handed over to the relevant authorities: the Commonwealth Department of Public Prosecutions and also the New South Wales police and the Victorian police. While there are currently no proceedings afoot, I am certainly concerned that the potential exists for continued detailed public canvassing of the matters contained in the documentation to become a factor in whether proceedings are in fact instituted in the future and for any such proceedings to be prejudiced by the release of those documents in the form that Senator Fierravanti-Wells is suggesting. Such an eventuality is of great concern, and I have no desire to contribute to a situation where the allegations that have been made and the evidence which underlies them is not tested before a proper forum. If charges are going to be laid, all those things should be tested in the appropriate place, and that is a court of law. I would not want to be party to doing anything which may in fact undermine that proper course of action. That is the proper course of action, and that is the approach the committee took.

So I reject outright the allegations that Senator Fierravanti-Wells has made in respect of those documents. They are simply not true.

Question agreed to.

Human Rights Committee Report

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:48): I present the fourth report of 2012 of the Parliamentary Joint Committee on Human Rights on the consideration of the Social Security Legislation Amendment (Fair Incentives To Work) Bill 2012, together with the minutes of proceedings of the committee and the transcript of evidence.

Ordered that the report be printed.

Senator CAROL BROWN: I move:

That the Senate take note of the report.

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:48): I am really pleased to see the tabling of this report from our relatively new Parliamentary Joint Committee on Human Rights. This committee has been looking at the bill that moves single parents on single parent payment through to Newstart, which very significantly lowers the payment they will receive and could potentially make over $100 worth of difference to single parents. Not only does that bill drop single parents from the more generous single parent payment through to Newstart, which very significantly lowers the payment they will receive and could potentially make over $100 worth of difference to single parents. Not only does that bill drop single parents from the more generous single parent payment through to Newstart, which is a drop of about $140 and makes at least a $60 difference in straight-away payments, although there is some make-up to single parents because of other allowances they can claim; it also drops them onto a lower income-free area and a different tapering rate. If they are already in employment, that means that they lose more or are able to gain less from when they are working. In other words, it can make a very significant difference to the income that they can live on. Far from encouraging people into work, it can discourage people to seek work,
because they gain less benefit from being in part-time work.

There is also a fallacy out there that single parents are not working, but in fact 45 per cent of single parents on parenting payment single are working. I also note here the comments I made earlier in the chamber about the fact that different rates of indexation will also apply. They will subsequently be on the indexation that applies to Newstart; and, as I articulated today, that Newstart indexation of CPI does not meet the real cost of living for those struggling on low income.

I note the comments that are in this report. Their recommendation is:

The committee therefore recommends that the government should defer these measures until the outcome of that inquiry is known.

The inquiry they are talking about is the Newstart inquiry that is being carried out by the Senate Education, Employment and Workplace Relations References Committee—the inquiry, in fact, that the Greens initiated by putting that referral into the Senate. That is looking at the adequacy of Newstart allowances and other measures such as employment services to support people who are struggling to survive on Newstart and other allowances.

This is virtually the same recommendation as was made by the Senate Education, Employment and Workplace Relations Legislative Committee, which in fact recommended that these measures be deferred until that inquiry is carried out. If it had not been for the marriage equality debate in this place, this bill would have been on the agenda for discussion; in other words, the government was ignoring the previous committee inquiry recommendations even though it is a government dominated committee inquiry. They recommended that those measures be deferred.

Now we have the Human Rights committee recommending that these measures be deferred.

I will take the Senate to some of the comments made by the committee. At the beginning of the report, the committee goes through what the bill does and how many people will be affected by it. Initially, 63,000 parenting payments recipients will be affected and, ultimately, all 147,000 grandfathered parenting payment recipients will be affected. That is a lot of people. The report talks about how it measures the effect of the bill, because the committee is looking at it in terms of its compatibility with human rights. The report then looks at the measure. In the executive summary, it says:

Regrettably the statement of compatibility that accompanied the bill did not include a sufficiently detailed analysis of the bill's compatibility with human rights.

It goes on to explain that the government provided some more information that has gone some way to address the lack of detail. It goes on to say:

... the committee notes that the provision of a more comprehensive statement at the introduction of the bill would have greatly assisted the committee in its scrutiny of this bill and would have improved the parliament's understanding of the precise impacts of these changes ...

The report then talks about the objective of the bill. The government says its objective is to re-engage single parents in the workforce. So then committee looks at whether the bill achieves that objective. The report says:

However, the committee notes that it does not necessarily follow that the measures seeking equity are justified as it is not apparent to the committee that the government has considered any alternative options in this regard. It goes on to say:

With regard to the question of whether there is a rational connection between the measures and the objective, the committee's examination of the
available evidence indicates that this is not a matter that can be conclusively proven up front. The committee considers that on balance, the government has provided sufficient supporting evidence to suggest that the proposed measures may go some way in achieving the stated objectives.

However, the committee considers that the lack of decisive evidence highlights the need for appropriate monitoring mechanisms …

The report goes on to point out that those monitoring mechanisms are not there and that legislation may not be justified because of the severity of the effects of the measures on the individuals or groups. It says:

The committee notes that while individuals who are transitioned from Parenting Payment to Newstart will still have access to social security benefits, significant questions have been raised regarding the extent to which Newstart is adequate to provide a reasonable standard of living for jobseekers.

The committee considers that if Newstart combined with other benefits is not sufficient to provide an adequate standard of living for affected individuals, the measure to remove the grandfathered Parenting Payment provisions risk being incompatible with the obligation in article 9 of the International Covenant on Economic, Social and Cultural Rights to ensure minimum essential levels of social security.

It goes on to say:

The committee is not yet convinced by the government's assertion that all affected individuals will maintain access to appropriate levels of social security support. This is in this committee report. In other words, we do not know what impact this measure will have on 147,000 single parents—most of them women. We do not know yet if the government is compliant with article 9 of the international covenant. Surely, the government should be listening to this committee and to the previous committee when they say that the government needs to defer this bill, at the very least, until the inquiry into the adequacy of Newstart and other allowances is concluded.

Of course, the government should realise that this is not the appropriate way to treat 147,000 single parents and their children. This is the fundamentally important point here. We are condemning these people, largely women and their children, to living in poverty. We now know, thanks to poorer indexation, that Newstart is $140 less than the single parenting payment. So we are condemning 147,000 families to living in poverty. I do not see how that can be compatible with human rights.

I strongly request that the government pays very significant attention to this report and takes on board its recommendations, and at least takes that legislation off the Senate program until we have had the Newstart inquiry and had a better look at the other things that the committee recommends, such as more adequate monitoring. We need to know that people are not being subjected to poverty. We need to look at what the real impact of this legislation is on these families.

Bear in mind that these families are already working part-time. In fact, no parent wants their child to live in poverty. And no single parent that I have met has wanted to live in abject poverty. They have wanted to work part-time. A single parent, by necessity, needs to balance their work with their caring obligations. Parents do not stop caring and needing to provide care for their children once they turn eight. Why the magic number of eight? Those children still need a parent at home, particularly those children living in regional areas and other areas where child care is hard to come by. I hear the government saying, 'We're going to be providing free access to child care.' If you do not have child care in the area, you do not get access. If you are living in an area where
most of the work is not nine to five—you are on a roster—you certainly cannot get child care after 5 pm. I seek leave to continue my remarks later. *(Time expired)*

Leave granted; debate adjourned.

**Question agreed to.**

**Membership**

**The ACTING DEPUTY PRESIDENT (Senator Mark Bishop):** Order! The President has received letters from party leaders requesting changes in the membership of various committees.

**Senator KIM CARR** (Victoria—Minister for Human Services) (16:59): I seek leave to move a motion to vary the membership of committees.

Leave granted.

**Senator KIM CARR:** I move:

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

- **Australian Commission for Law Enforcement Integrity—Joint Statutory Committee**—
  - Appointed—Senator Milne

- **Education, Employment and Workplace Relations References Committee**—
  - Discharged—Senator McKenzie
  - Appointed—Senator Boswell
  - Participating member: Senator McKenzie

- **Electricity Prices—Select Committee**—
  - Discharged—Senator Cormann on 3 October 2012, and Senator Macdonald on 4 October 2012
  - Appointed—Senator Macdonald on 3 October 2012, and Senator Cormann on 4 October 2012

- **Environment and Communications References Committee**—
  - Discharged—Senator McKenzie
  - Appointed—Senator Boswell
  - Participating member: Senator McKenzie

- **Foreign Affairs, Defence and Trade Legislation Committee**—
  - Appointed—Substitute member: Senator Sterle to replace Senator Stephens for the consideration of the 2012-13 supplementary Budget estimates on Wednesday, 17 October and Thursday, 18 October 2012

- **Rural and Regional Affairs and Transport Legislation Committee**—
  - Appointed—
  - Substitute member: Senator Milne to replace Senator Siewert for the committee’s inquiry into the Competition and Consumer Amendment (Australian Food Labelling) Bill 2012 (No. 2)
  - Participating member: Senator Siewert.

**Question agreed to.**

**BILLS**

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

**Assent**

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

**MOTIONS**

**Agriculture, Fisheries and Forestry Industries**

Debate resumed on the motion:

That the Senate notes the Labor Government’s abject failure to support Australia’s agriculture, fisheries and forestry industries.

**Senator NASH** (New South Wales—Deputy Leader of The Nationals in the Senate) (17:00): I rise this evening to make some remarks regarding the government’s abject failure to support Australia’s agriculture, fisheries and forestry industries. It is not only a failure to support. The government is actively undermining the
future sustainability of primary industries. We saw this afternoon a minister—Senator Ludwig—in answer to a Dorothy dixer on agriculture show his complete incompetence when it comes to rural Australia and agricultural issues. Indeed, he was simply making a joke in a lot of instances within his answer.

_Senator Kim Carr interjecting—_

**Senator NASH:** I note Senator Carr is already rising to the bait and making a contribution. I think I am about a minute into my remarks and Senator Carr simply cannot help himself. It was extraordinary watching the minister over there. I was thinking to myself, well, if I talk to the hand it is actually going to give me more information than the minister is and it is actually going to give me more care for rural Australia than the minister is. The minister this afternoon was trying to throw barbs at the National Party which sort of came across like wet fish indicating that the Nationals were pining for the single desk. Well, I will absolutely say on record I am pining for the single desk for wheat. I think getting rid of the single desk for wheat was one of the most stupid decisions a government has ever made and to just philosophically go down the line of deregulation for deregulation's sake was just simply stupid. I say that in the light of now we have growers who are not being paid for wheat they have sold because there is no certainty underpinning that payment for them in many of these instances and that is wrong and that is as a direct result of the deregulation of the wheat industry in many instances.

I come back to the subject at hand. I do note that, in 2011-12, the Department of Agriculture, Fisheries and Forestry spent nearly $80,000 on consultants. I am sure people would be very interested to know that part of that funding went towards the department altering its mission statement. So what did the Department of Agriculture, Fisheries and Forestry actually do as a result of spending all this money? They remove the word 'agriculture' from their mission statement. So it went from Increasing the profitability, competitiveness and sustainability of Australia's agriculture, fisheries, food and forestry industries—

to—

We work to sustain the way of life and prosperity of all Australians.

I hope they did not spend the entire $80,000 on determining that change which shows completely the government's abject failure to support agriculture in this nation.

How on earth can a minister preside over a department for agriculture and tick off the fact that they are taking the word 'agriculture' out of their mission statement? How stupid is that? Does it show the minister's complete disconnect from what is important, right at that position at the top of the department, with a mission statement outlining their mission? It is no wonder at all that people in regional communities are despairing of this Labor. We only have to look at the funding cuts to see that it is truly an abject failure on the part of this government when it comes to agriculture and the primary industries.

Funding to agriculture and the communities that agriculture supports under this government has been slashed from $3.8 billion to $1.7 billion. What kind of support does that show to our agricultural communities? What kind of support does that show to the people out there in the regions when this government is presiding over budget cuts at probably the time that regional Australia needs the support most. It simply does not make sense.

We need to turn no further than the issue of water management in the Murray-Darling Basin to see that it is an absolute abject
failure of this government to support agriculture. In so many areas it just shows the government's complete lack of understanding of the impact of permanently removing water from those regional communities.

Senator Sterle interjecting—

Senator NASH: I hear across the chamber my colleague Senator Sterle sighing and shaking his head and tisking. I can only assume that the senator's shaking of the head and the sighing and the tisking is in complete relation to something else because I know that Senator Sterle knows how important regional communities are. I am sure he would join with me on many an occasion—not that he would say this—knowing that the government should be doing more and some of the things that the government is doing when it comes to regional Australia should simply not be happening. I do have to say I have the greatest respect for Senator Sterle. I have worked with him for a very long time now on our rural and regional Senate committee. I have great respect for him and I do know that he does care. It is just a shame he does not have a little more influence on his minister when it comes to the decisions that the minister is making.

When we look at water management in the Murray-Darling Basin, the fact that the government has failed completely to properly take into account the social and economic impacts of removing water from the communities is absolutely unacceptable. The government does not even understand, when we have not even got the Murray-Darling Basin Plan finalised yet, that the decisions that have been made, and even those that are going to be made, are having an impact now. That is before the plan is even finalised, before the legislation—and goodness knows when that is going to happen and how and why—has even gone through this chamber. We see a lack of certainty and a lack of confidence out there in the communities in places like Griffith. There is a real lack of confidence in the future of that particular community and that is really sad because Griffith has a fantastic future, as do the rest of our rural communities. But when we see house prices falling and businesses not changing hands in towns like Griffith simply because of the uncertainty that is being created by this government, it is no wonder that people out there are saying that is unacceptable.

There are no two ways about it: the government simply have not placed the same weighting on the social and economic impacts of permanently removing water from those towns as they have placed on the environmental impact. That is simply wrong. It has to be a triple bottom line approach and those three key areas have to be addressed equally. On that, I noticed the other day, when we were debating the bill on small pelagics and the supertrawler, that the Greens were calling for the social and economic impact of the decision on the supertrawler to be taken into account. Indeed, they were moving an amendment to do so. As I said on that day, and I will say this again, the Greens should be stumping up right now and calling for that same social and economic impact on our rural communities to be taken into account. Why on earth does it apply to a fishing boat and not to our regional communities when it comes to the Greens? It is inconsistent and hypocritical.

The failure of the government to support agriculture goes on and on when we look at the Murray-Darling Basin because they simply cannot give us the answers that we need. They simply do not know what is going on. There is the complete failure of the government to show us what the environmental water holder is currently
doing, what the benefit to the environment has been and how much water has been released. The failure of the government to do that leaves the agricultural communities hanging out to dry.

I asked a question back in April, during a Murray-Darling Basin hearing of the Senate Rural and Regional Affairs Committee that I am on, about how much water the environmental water holder was going to let go, how much they had let go in a given year, how they did measure the benefit, which environmental assets it was going to, and what the benefit to the environment was. I suppose it is fair enough that the department said they would take it all on notice. Indeed, Mr Robertson said he would be happy to make them available; they had not done them to date but they would be happy to do so—and I appreciate that. So what did we get? We got the answers to the question, and that was terrific. The only problem was it was 3,451 pages long. How this government can expect there to be any confidence in the decisions that they are making around the Murray-Darling Basin when the department gives senators an answer which is 3,451 pages long and expects us to be able to (a) take them seriously and (b) wade through that is incomprehensible. It is a complete failure by this government to manage this properly. So we did ask them, even taking into account that perhaps the department was being incredibly diligent, if they wouldn't mind just summarising the 3,451 pages for us. We did that on 4 September and we asked them to have it back to us by 13 September. It is now 20 September and it is a week overdue. We still have not seen it. So we can only imagine that it just as difficult for the department to get through the 3,451 pages as it was for us because simply nothing has turned up yet. That is unacceptable.

We have $1.9 billion spent by the government on water buybacks and yet only $494 million has been spent on Better Infrastructure investments, through 'infrastructure and works and measures'. The litany of failure continues and the buybacks that they have done have been rash and not thought through—$303 million to buy back entitlement from Twynam, over four or five river systems and Twynam offered it up as a job lot and there was no ability for the government to be able to determine whether or not the entitlement they were buying back across those rivers for each of those river systems was appropriate. 'Oh, no, we have to take the whole lot.' So $303 million with no ability for oversight or proper scrutiny of which ones were actually going to be appropriate for the environment and value for money.

There is probably nothing that shows more clearly the government's absolute failure to support agriculture than bringing in a carbon tax. The undermining of future sustainability of primary industry through the carbon tax is going to be absolutely appalling. I know I use the word 'appalling' a lot, colleagues, but I tell you this: quite often it is the only thing we can use because it is the only word that is appropriate. This carbon tax—and as you will remember, colleagues, Prime Minister Julia Gillard had said 'there will be no carbon tax under a government I lead'—is going to hit regional Australia harder than anywhere else. Farmers are at the bottom of the food chain—and I will declare my interest as a farmer—and they have no ability to pass on the costs of fertiliser, electricity, chemicals, packaging. From 2014 the temporary exemption from tax on transport fuels will be removed. I know my colleague Senator Williams has been at the forefront in raising this issue, saying that this exemption is only going to be there for a minimal amount of time and
then the fuel cost impact is going to get passed through to our farmers. A study released in June by business analysts IBIS World forecast the new carbon tax imposts would push down revenue for the agricultural sector next year by 6.4 per cent, from $54 billion to $50.5 billion in 2012-13. It gets even worse as from 2014 there would be a $3.7 billion hit. Despite farmers being exempt from the direct tax, these costs are going to hit farmers harder than anyone else. What is quite extraordinary is the government trying to tell regional communities that the carbon tax will not be a problem. You try telling dairy farmers, meat processors and irrigators opening their power bills that the carbon tax does not apply to them. We are going to have a 9.7 per cent rise in dairy farm power bills. Milk companies will pass back the carbon price. According to Dairy Australia, the average cost per farm will be well over $4,000. The list goes on and on.

In every area we look and everywhere we turn, it seems that this abject failure of the government to support Australian agriculture goes on and on. It is nowhere more stark than in my area of education. The Australian Council of Deans of Agriculture indicates a potential demand for around 6,000 tertiary qualified graduates per year in the sector. What have we got, Mr Acting Deputy President? We have a significant undersupply of graduates. We are actually seeing fewer than 800 graduates per year coming through our Australian universities. The government does not seem to understand that this will be a huge issue for our future sustainability, for food security in the future, if we do not address it now.

It seems that everywhere we turn the government is putting more barriers in place when it comes to agriculture and also when it comes to education. It is not just agricultural industries where there is a failure; there is also a failure on agricultural families. Credit where credit is due: Minister Evans has taken some successful steps forward in some areas of support when it comes to students. But the one area where he has not made the change he should have made after the complete stuff-up at the beginning of 2010—and I do again acknowledge the minister's very sensible backflip about 18 months later to restore some equity for regional students—is in students applying for independent youth allowance. Having a parental income cap of $150,000 apply to those students whose parents earn that amount when they are applying for independent youth allowance is simply wrong.

**Senator Williams:** Disgraceful.

**Senator NASH:** Thank you, Senator Williams, I will take that interjection—it is disgraceful. There is a huge inequity for regional students when it comes to accessing tertiary education, and that is because of the cost of relocation and the difficulties of having to move away from home to access tertiary education. One of the ways they do so is by accessing some support through the independent youth allowance.

**Senator Sterle interjecting**—

**Senator NASH:** As you well know, Senator Sterle, and I know you understand, many of those students choose the path of working for a year, proving themselves independent of their parents to gain the assistance under the criterion. Yet the government has said, 'I'm sorry, young Australian that is trying to apply for independent youth allowance—particularly young regional Australian—'if your parents earn $150,000 combined before tax you can't apply. You are ineligible.' That is simply stupid. We are talking potentially about two parents, one who might be a schoolteacher and one who might be a police officer. The government are telling that family that that...
student cannot apply for independent youth allowance, cannot go and work their tail off for a year, cannot prove their independence from their parents because 'we're still going whack that cap on there'.

Normally we on this side are demanding things; normally we on this side are stamping our feet and being angry. I am pleading with the minister to listen to all of those regional families that this is affecting and to please, please provide some equity for those regional students, who so often choose not to go to university because of the difficulties in place, because of barriers like the $150,000 parental income cap. That is just wrong. If this government were to change one thing to help regional students, that would be it. Mind you, there is a whole range of things but that is absolutely one of the priorities.

The list goes on and on. Unfortunately, time precludes me from exhausting the very long list of things that does prove that there is an abject failure by this Labor government to properly support Australia's agriculture, fishery and forestry industries. Our farmers are the backbone of this nation. They are not only now but into the future the absolute driving force, the engine room, of this nation. It is about time that this Labor government recognised that. It is about time that this Labor government stopped being so disconnected from regional communities and finally started listening to what is really needed out in regional Australia. This is not on. It is unacceptable. It is an abject failure by this government and people in rural and regional communities know that.

Senator STERLE (Western Australia) (17:20): I have been looking forward to rising and making my contribution to Senator Fifield's notice of motion. I find it quite disingenuous, actually; I thought Senator Nash might have a bit to say about it as he is from that great rural area called Melbourne. There is absolutely no argument: I concur with Senator Nash that farmers are the backbone of our country. There is no disagreement on this side of the chamber with that statement. We all understand fully the importance of farming communities, farmers and agricultural industries to our country and to our economy. It is a well-known fact that we are still massive producers of food in this country. We are a lucky country; there is no argument about that. We have seen some tough times through drought, and after about seven or nine years—

Senator Williams: Eight years—from 2002 to 2010.

Senator STERLE: Eight years—thank you, Senator Williams. In our great state of Western Australia we have had those terrible conditions of drought for a number of years. But, if you were a stranger to this place and you read Senator Fifield's motion, you would think that we were absolutely in dire straits in this country and that, if it were not for that great bastion of freedom fighters for the farming community, the Nationals, nothing would get done. I actually find that quite insulting.

I concur with Senator Nash in that Senator Nash and I came in at the same time, back in the 2004 election, and took our seats in 2005 and we are still on the same committees. Senator Nash was a highly regarded and respected chair of the Senate Rural and Regional Affairs and Transport References Committee, and her work has no doubt been second to none in trying to represent rural communities. But there is something that the people of Australia have to understand. This great coalition on the other side of the chamber, which has stood up for farming people all of these years—well, there is something going on. It is a secret. I do not
want everyone to know, so I am just going to tell you lot in here. Back in 2007, when the Rudd government came to power, there was a great push—if there are any interested Australians listening to this debate—about some issues around a company called AWB. There were some shenanigans going on in Iran and Iraq and whatnot. To cut a long story short: there was a great desire by certain parts of the farming community that we deregulate the export wheat market.

For those who are not quite sure of the split on who exports and who does not, the great majority of export wheat comes from WA. Western Australian farmers are the major exporters of wheat around the world. That is not to say that wheat growing is not a huge industry in the eastern states; in South Australia, where Senator Gallacher comes from, it is. But in the majority of eastern states wheat is sold on the domestic market; it is not bulk export.

So under the guidance of the then Minister for Agriculture, Fisheries and Forestry, Mr Burke, we set about seeing how we could assist the export wheat market and the export wheat growers to deregulate the industry so they could sell their wheat to whomever they wanted to sell it to and not through a single desk being controlled by AWB. That was met quietly, behind the scenes, with great support from the Liberal Party. The Liberals, those bastions of free enterprise, thought this was a wonderful thing. Ladies and gentlemen, through you, Acting Deputy President: when it comes to agricultural issues, they are not a coalition. They are head-butting, they are bluing. But the smart, grown-up people from the Liberal Party back in 2008 supported the deregulation of the export wheat market and sided with the government.

We have heard nothing but rantings and ravings from the National Party about how unfair it was to deregulate the export wheat market. We did not hear that it was a great thing for progressive farmers from Western Australia that they could choose who they wanted to sell their wheat to; no, that did not come into it. It was all about looking after The Nats' constituents on the eastern seaboard who did not export bulk wheat, who were selling into a domestic market but expected the Western Australian growers to take all of the grief and the pain.

So we had what was called the Wheat Export Authority—it was set up with a timeline; it was only going to be around for about three or four years—and for that wheat growers would pay a levy of about 22c per tonne. This Wheat Export Authority would oversee the export of wheat, check accreditation to make sure there were no shenanigans going on, give everyone an opportunity to sell their wheat to who they wanted to, and the rest is all history. Part of that was that by the end of 2012 the Wheat Export Authority's job would be finished, it would be disbanded and everyone would get on with business. That was not good enough for The Nats—all good to them; I know I get passionate about certain issues and I want to keep representing my constituents who have certain views—as they thought the matter was not good enough.

So what we have seen over the past few months is something that is very interesting. We have a situation now where the bill is up, we are going to disband WEA and The Nats—the smaller, the junior partners of the coalition—have actually convinced Mr Abbott and the Liberals that they were wrong in 2008 to look after the Western Australian wheat exporters and producers and that it should come back to being a single desk again.

It has got to the point—I am taken by surprise!—where I have been bombarded in
the past week by press releases from the PGA, the Pastoralists and Graziers Association of Western Australia, who represent a heck of a lot of wheat growers. The PGA, since day 1, when we said we were going to deregulate the export wheat market, have been on board. They want this; there are no ifs or buts. There were some dramas in WA, but, as it is in a normal democracy, you have a count: 50 plus one per cent wins and that is the way it moves on. They have been very supportive, but they are showing massive frustration, to the point where every day or every second day a media release comes out.

It is no secret they have been lobbying Ms Bishop, the member for Curtin and the Deputy Leader of the Liberal Party in the other house, that she has to direct the Western Australian Liberals, those Western Australian senators and members, to come back to the table and to remember why in 2008 they voted with the government to deregulate the export market. They have been pleading publicly through the media—it has been an ongoing thing; it is in the West Australian and it is no secret—that the Liberals have to stand up for Western Australian growers and Western Australian producers. It is not a lot to expect that those of us from a certain state, when we have a major industry that we have supported for the past four years to do their best to be successful in international markets, that they should continue that support and they should say to their junior partners: 'It's over. We voted for the deregulation in 2008. We're not going to rat on our constituency. We have morals and we're going to continue to stand by those morals and we are going to deliver not only for Western Australian growers and producers, but also we are going to stand up for Western Australian rural communities and agricultural businesses and continue to support the government's move to completely deregulate the export market.'

Not good enough. There has been a public showdown; it has been a public brawl. The heading of the latest media release from the PGA is 'Bishop's gambit fails—WA wheat growers call on Abbott'. They have said: Western Australian wheat farmers are calling for Opposition Leader Tony Abbott to step in and front up to the nation's largest export wheat growers and explain why his Federal Liberal Party is refusing to follow through on its previous commitment for full deregulation of the wheat industry.

Not uncommon. I want to quote a couple of very important lines here. This has come from the PGA Western Grain Growers Chairman, Mr John Snooke, who yesterday said:

The vacuous comments made today by Deputy Liberal Leader Julie Bishop in defending the Federal Coalition’s decision to not support the full deregulation of WA's $2.5billion wheat export industry—

That is $2.5 billion. This is not a small industry.

clearly shows that Mr Abbott's Liberal Party Deputy is either ineffective, incompetent - or both - in advocating the interests of Western Australian wheat farmers.

That is quite a damning statement to make on the public record. It is difficult to understand what is going on over there. I cannot work it out.

What we have seen as a nation is some shocking statements and media stunts around none other than the Leader of the Nationals in the Senate, Senator Joyce, about Chinese or foreign investment. I may digress a bit but I have to lay it on the table so everyone can understand. Senator Joyce has made it absolutely clear that he is going to grab some attention, get a media caption or grab, or get his head on the front page of the local rag or on the TV by having a go at Chinese
investors who are coming in to buy out an Australian operation at Cubbie Station. It had gone broke and there are no other investors around. Let us not forget that when companies go broke a lot of things bad come out of it, but jobs are lost. We have a Chinese company that says that they are going to pay whatever money they are going to pay. The receivers of Cubbie Station have said, 'That's great,' and they can continue to keep the operation going and continue to keep rural people employed. That can only be a good thing. Not from Senator Joyce. All we hear about is Chinese investment and how China is going to come and take over Australia.

Thank goodness Senator Joyce has no role to play in a government—at this stage. We must be so happy that he is not sitting at the right hand of Mr Abbott as the Prime Minister, because what else would he not want in this country in terms of foreign investment? Do we go to the mining industry and say, 'We are not having you because you have Japanese owners or Korean owners'? Come on! What sort of a conversation is this to have in this day and age? I could understand that conversation back in the 1800s, but I clearly do not get it in today's day and age.

So Senator Joyce 'freelanced'. That is the word that Mr Abbott uses when some of his backbenchers or frontbenchers or whatever go haywire and start speaking out against Liberal Party policy, if they have some policies. Anyway, I am starting to confuse myself now, so we had better get back on track. I apologise to the Senate for misleading the Senate by saying that the Liberal Party had some policies.

We saw Senator Joyce, I think, on Sky News where he said that he lost the argument. He got pulled into line by Mr Abbott. How embarrassing for the only member country of the OECD that never went into technical recession during the global financial crisis was is that Mr Abbott had to come out all of a sudden and say, 'We're going to have a look at some of this foreign investment stuff, but can I keep telling you: we love foreign investment.' Whoa! What a mixed message that was. Maybe I am a little bit slower than half of the coalition there, but I saw that as Mr Abbott thinking, 'Oh my God, my loose cannon of my right hand, who could be the Deputy Prime Minister in an alternate government, has gone completely crackers and now he wants to fight Chinese and anyone else who is not Australian, but we do not want to save jobs.' So he comes out with some silly statement. It does not stop Senator Joyce, who is on the soapbox in rural Queensland around Cubbie Station and is not worried about Australia.

Then all of a sudden we have a public showdown where Senator Joyce confesses that he lost an argument. So virtually he was gagged. He was told to shut up. It is quite entertaining but after about 13 seconds of Senator Joyce's carry on about foreign investment it is not funny any more—it is boring.

Next a Newspoll came out and all of a sudden there are some changed figures and the opposition go into meltdown. All of a sudden the reason for the drop in support of the Liberal-National Party is, according to the member for Curtin, Ms Bishop, and also the deputy leader, is because the Labor Party is picking on Mr Abbott or something, but another reason is because of Senator Joyce. So here we have the deputy leader, who will not stand up for West Australian producers and farmers, West Australian exporters, West Australian rural communities, and Western Australian agricultural businesses, because it is not in the best interests of—whatever it is; I do not know what planet she
is coming from in that argument. But it is all about Senator Joyce.

By the same token I have some interesting comments from Ms Bishop doing a TV interview. I want to share this with the Senate. She was being interviewed by Mr David Speers on Sky on the backflip of not supporting Western Australia and farmers, producers and wheat exporters. The heading is: 'Libs backflip on support'.

Julie Bishop: This is a matter that we have been looking at over recent times. 'We' being the Liberal Party, I assume—or it could be the Western Australian party. Who knows. Anyway.

This is a transition period and there are views depending on which side of the country you live and whether you are.

Okay! That has sunk in! If you understand what that means, please tell me. David Speers pops in and says:

But what is yours?

Which she answers by saying:

Wheat grower in the west or wheat grower in the east, I believe that we need to go carefully on this one. Of course we believe in deregulation. It is a question of timing.

This is the same person who has just slapped Western Australian farmers, who have supported the Nationals and do not want deregulation.

I am bringing the Senate back to the confusion that I am experiencing while I am watching the Leader of the Opposition, Mr Abbott, talking about having more of an inquiry into foreign investment review boards and foreign investments in agricultural land and, before he has even finished the statement, talking about how much we support foreign investment. Talk about confusion and mixed messages! Talk about the rabbit in the spotlight. But David Speers goes on to say:

So it could be another couple of years before deregulation happens? A fair question. Ms Bishop says:

Not necessarily. It is a question of timing and we are looking very closely at it. We are national opposition so you have to take into account the views of the West Australians, who have a very good case about deregulation, but also on the east coast, those who want a smoother transition to full deregulation.

What the heck is she saying? Ms Bishop is a West Australian member of parliament. In 2008 Ms Bishop, along with every other member of the Liberal Party—both in the House of Representatives and in the Senate—sided with the government to support the deregulation of the export wheat market. Then there is the confusing situation between whether she has her way with standing up for West Australians or does she just toe the eastern state line of: 'Shut your mouth. Don't say anything to upset the cart. It is bad enough Senator Joyce is saying things that are upsetting the cart. We are going to back the five Nationals in this place.'

I must confess that I do not know how many Nats are on the other side. I will hazard a guess. I am sure Senator Williams will correct me if I am wrong. I think you could count them on two hands. So, all of a sudden, we have got the dog wagging the tail.

Senator Williams interjecting—

Senator STERLE: I am taking that as a term of endearment when you stick your fist up like that, Senator Williams. You out there in media land, don't think that he was threatening me with a blue; he wasn't. We are having a bit of fun.

So I suppose I should take this as: 'We don't give a toss about standing by the principles that we held in 2008'—we being that side of the chamber, the Liberals over there—and we do not give a toss about a
$2½ billion market in Western Australia. We don't give a flying toss about the agricultural industries or rural communities in Western Australia. All that matters to us is that we have taken a bit of a kick in the backside in the last poll and we have to get our head back down again. We can't upset the Nats. We don't care what West Australians think; we'll change our views on the whim of a poll.'

I am West Australia and I am going to stand up for the Western Australian wheat industry. I am going to stand up for those rural communities and for West Australian agricultural businesses. I will fight to see that we get this bill through.

Senator IAN MACDONALD (Queensland) (17:40): What a pleasure, as always, to follow Senator Sterle from the capital city of Perth in Western Australia, particularly on a motion dealing with the Labor government's abject failure to support Australia's agriculture, fisheries and forestry industries. I will start by demonstrating why the Labor Party has absolutely no interest in agriculture or fisheries and little interest in forestry. It comes down to simple mathematics. The number of rural seats held by the Labor Party in this parliament you could count on one hand—and I will count them shortly. Every other rural seat in Australia is represented by either the Liberal Party or the National Party—and why? It is because they do support our primary industries—our agriculture, our fisheries and our forestry industries. The electors of rural and regional Australia—the electorates that provide the food and fibre for our country and for export—decide themselves that the people they want to represent them in this parliament are not members of the Labor Party; they are members of the Liberal and National parties. That is because they understand that the Liberal and National parties have a genuine interest, commitment and understanding for agriculture, fisheries and forestry, whilst the Labor Party has little interest whatsoever.

I said I could count on one hand the number of seats in rural and regional Australia held by the Labor Party. They are Capricornia and Blair in my state of Queensland and Eden-Monaro, Richmond and Page in Senator Williams's state of New South Wales.

A government senator: What about Lyons?

Senator IAN MACDONALD: I will come to Tasmania. There are five seats in Tasmania. I have a special interest in Tasmania, which I will elaborate on very shortly. On the five mainland states the seats are Capricornia and Blair in Queensland and Eden-Monaro, Richmond and Page in New South Wales. As opposed to that, there would be 30 or 40 other rural seats in Australia—all represented well by Liberal and National party members.

Let us have a look at Capricornia, held by the Labor Party—mainly on the strength of what used to be a supportive railway vote in Rockhampton. Even the railway men detest the Labor Party now, after the previous Labor government sold Queensland's railways after promising not to do so. Capricornia is called the beef capital of Australia—Rockhampton; the beef capital of Australia—and is represented by a member in this parliament who destroyed the beef cattle industry in Northern Australia by supporting the quite outrageously ridiculous decision of the agriculture minister, Senator Ludwig, to ban live cattle exports to Indonesia. In so doing, they put pressure on all of the northern beef industry and, by attrition, the southern parts of Australia, thus putting pressure on every element of the beef industry. What a great representative the
member for Capricornia is for agricultural Australia!

The member for Blair—the temporary member for Blair, I might say—represents an agricultural area. But Labor, by supporting things like the carbon tax, by removing diesel fuel rebates, have added to the costs for every farmer in his electorate. But does he stick up for his farmers? No, he toes the Labor Party line and votes against the farmers. It is a similar situation in Eden-Monaro.

The member for Richmond has an electorate which has big fishing, beef and sugar industries. And what have the Labor Party done to those three industries? As I have already mentioned, they have destroyed the beef industry; they are about to destroy what is left of Australia's fishing industry; and our sugar industry will continue to struggle under a Labor administration. I will come back to that. In Page, the member actually led the charge to destroy live cattle exports from Australia and in so doing destroyed the live cattle industry.

Then there are the five seats in Tasmania that are currently, regrettably, held by Labor members, or at least until the next election—

Senator Thorp: That's not true. If you're going to—

Senator IAN MACDONALD: I am sorry; one of them is an Independent—but try to point me to any important legislation on which he has not voted with Labor and you will understand why I include him in the Labor Party. Tasmania is a state rich in natural resources that had the most sustainable, well managed timber industry in the world. But, thanks to Labor rolling over yet again for the Greens, the world's best-managed, most sustainable forest industry has been destroyed. I can never forgive the Labor Party for rolling over for the Greens.

There was a time in 2004 when the ALP held strong in the interests of workers' jobs in Tasmania and joined, along with at least the 'F' part of the CFMEU, the Howard government in saving the timber industry and workers' jobs in Tasmania. Since then, because Ms Gillard desperately needs the Greens in order to retain power—and it is all about power and only about power as far as the Labor Party is concerned—you have the five Tasmanian Labor Party members, or Labor-supporting members, playing a major role in the destruction of Tasmania's once grand, sustainable, best-managed timber industry.

Madam Acting Deputy President Crossin, you also have a fishing industry going through a tough time. But Minister Burke as Labor's fisheries minister said to the fishing industry: 'You need to be more efficient, you need to catch the specific quota in a more efficient way, and here's what you should do. You should get one of those big trawlers from overseas and bring it here. That way, although you won't catch more fish—there's a quota—you'll catch it more efficiently and effectively. So why don't you do that?' There were some foolish people who believed the Labor Party—although why would anyone believe the Labor Party? 'There will be no carbon tax under the government I lead,' hand on heart, and what is the first thing that happened? They introduced a carbon tax. 'There will be no interference in the Medicare rebate.' What is the first thing they do? Bring in the—

Senator Polley: Madam Acting Deputy President, I raise a point of order on relevance to the topic. The carbon price has nothing to do with the motion before the chair.

The ACTING DEPUTY PRESIDENT (Senator Crossin): Senator Macdonald, I
remind you that the motion before us relates to agriculture, fisheries and forestry policies.

Senator IAN MACDONALD: I am talking about Tasmania and the impost of the carbon tax on every element of agriculture, fisheries and forestry. But that is not why I raised it, even though it is right on message. I raised it because I was wondering why you would believe anything the current Prime Minister says—anything at all. She has form. Didn't she promise the people of Australia that her party would not be part of any move to change the definition of marriage? And what have we been debating today in the chamber! So it is a matter of trust. What can you believe? Ask the farmers around Australia if they will ever believe any Labor promise in the future.

Tell me what the carbon tax will do to the cost of production for Australia's farmers, fishermen and foresters. Every element of their operational costs will increase, but there is no compensation for them, and they are all price takers. This is the thing the Labor Party do not understand, because none of them are involved in rural and regional industries at all. They do not understand. The sugar industry is a price taker. The sugar industry cannot say, 'We've got to pay more for our electricity and our fuel, so we'll add that onto our world market price,' because when it went out into the world market, the world market would say: 'Bad luck, Australia! You know what the world market price is, and that's what you'll get. Don't try passing on to us a carbon tax that your stupid government put in place and which our governments would never countenance,' because other governments know that the introduction of a carbon tax just makes their primary producers even less competitive.

Tasmania has five Labor members who have done nothing to protect not only the forestry industry but the fishing and agricultural industries as well. In comparison, have a look at the knowledge of and commitment to agriculture, forestry and fisheries on this side of the chamber. There are farmers like Senator Heffernan, Senator Williams and Senator Nash. Senator Edwards is a very successful and productive agriculturalist. Senator Scullion is a real fisherman. And that is just in the Senate. I could go through dozens of lower house Liberals and Nationals who are farmers or fishermen—Alby Schultz, for example, was in meat processing. I do not think there are any foresters, but certainly there are many people who are committed to the forestry, fisheries and agricultural industries of Australia.

If you need an example of the Labor Party's regard for agricultural industries, I again refer you to the live cattle export ban. There were many pastoralists, including many Indigenous pastoralists, who had been making a living out of the export of live cattle or who had made investment decisions on the basis of that export trade. Overnight, without any warning, the trade was stopped. As a result of that, a very high percentage of landowners in Northern Australia now face financial ruin. It has not always been an easy industry. The people in it had always borrowed money—but they had worked out very carefully how they could pay their interest and pay their way. Then suddenly, overnight, without warning the trade was stopped. As a result, there is a group of pastoralists—upon whom many Indigenous communities and families relied—who are going out of business. And the Labor Party claims that it is interested in farmers—what a joke!

I predict that, after the next election, the members for the five rural mainland seats currently held by the Labor party and the members for the five Tasmanian seats
currently held by the Labor Party will not be returning—because the farmers in those seats are just sick of a government which has done these things to a range of agricultural industries. We have a minister, Senator Ludwig, who has little interest in agriculture, fisheries and forestry. He goes through the motions but he has no courage and no conviction. He is not prepared to stand up to the Greens, his leader or the left wing of his party. He simply rolls over—to the detriment of Australia's farmers.

People from the capital cities—which is all of the Labor senators here and most of their members in the other place—can sit here and read about how things like the live cattle export ban impact on pastoralists and their families or how the marine reserves decision impacts on people in the fishing industry or how the stupidity of following the Greens hurts the forestry industry. They can read about that in the paper and think they are concerned, but I ask some of those Labor members and senators to go out and talk to people. I ask them to go out and see and go out and feel the despair and frustration of families whose lives have been ruined by the agriculture, fisheries and forestry policies of this government.

The fishing industry, if it hasn't already, will soon realise that there is no such thing as certainty under this government. A minister of the Crown encourages someone to invest big money in a big trawler. But then that same minister, now in another portfolio—the fishermen having followed his advice—turns around and destroys their investment and indeed their industry.

Let us talk about my own state of Queensland. Where I live, in the lower Burdekin area of North Queensland, there are a couple of very good aquaculture businesses—there are quite a few up there, in fact. One of them has been trying to set up a state-of-the-art aquaculture prawn farm at a place called Guthalungra for almost 5 years. I forget exactly what they said, and surely this cannot be right, but I think they told me they had spent $10 million—if it was not $10 million, it was a lot of money—just trying to get through the red and green tape to set up the farm. This is a farm which will provide Australia with clean, fresh seafood and will create a lot of jobs in my locality. But under this government it takes them three, four or five years and millions of dollars to fight through the green and red tape to try and get there—and they are not even there yet.

There was a cassava proposal, again in my local area—I am being a bit parochial here—with a great idea for a new biofuel source. But this government, through the environment minister—the same guy who was so duplicitous in his dealings with the fishing industry—has put them through every hoop in the world under the EPBC Act. This, I regret to say, is the Labor Party all over. They have no interest and no understanding.

Recently, when I was in Japan and Korea as part of a trade delegation, people there were predicting—as were some Chinese people I was talking to—that, whereas the last couple of decades have been the decades of the mining boom, the next couple of decades will be the decades of the food boom. And what are we doing in Australia to help provide food security for Australia and the world? We have governments like the current one, who go out of their way to destroy rural industry. Rather than encourage them, as a coalition government will do, we have, as the motion before the Senate quite rightly notes, 'the Labor government's abject failure to support Australia's agriculture, fisheries and forestry industries'. For this sector of Australia and for Australia's future, I can only hope that there is an election as soon as possible so that these industries can
have some hope and some vision for the future.

Senator THORP (Tasmania) (18:00): It is a pleasure to be able to stand in this place and talk about a subject that is so important to me and my fellow Tasmanian senators, let alone more broadly—that is, the thriving businesses and industries of fishing, aquaculture, forestry and farming in Tasmania.

Senator Theshing Wilson: Including wine.

Senator THORP: Thank you; I acknowledge that interjection— including wine, which is extremely important.

Many members here would know that Tasmania has plentiful rainfall and plentiful arable land. The issue we have is to make sure that we have that water resource available to us during those times of the growing season when irrigation is required. It is as a consequence of an incredible partnership between this Labor government, of which I am proud to be a member, and our state government—a Labor government—that my state is paused to become the food bowl of the nation.

I take up the comments made by the previous speaker, Senator Macdonald, who mentioned that on his trade mission he was in Asian countries that refer to the next boom as being around food. There are many people who are anticipating that Tasmania may well become the food bowl of the nation because we have the land and we have the rainfall; what we need is the irrigation. The partnership between the federal Labor government and the state Labor government has led to a commitment of an investment of $220 million to make this come true. That is nearly a quarter of a billion dollars that is currently being rolled out in Tasmania to make this happen. This money is going towards the development of sustainable irrigation schemes in Tasmania.

Any of you who have had the pleasure of being in Tasmania and visiting the wine areas referred to by my Tasmanian colleague Senator Whish-Wilson may have had the opportunity to go to the Coal River Valley, which lies not far outside Hobart. In the last 25 years that has gone from an area that was lucky to sustain pretty hand-to-mouth farming, in many ways, to an absolutely lush and wonderful area that is growing an incredible range of stone fruits and supporting the most wonderful mixed and varied farming that is all the result of irrigation coming from the Craigbourne Dam—a big project. Now we are seeing these same projects being rolled out around the state. Sensitively placed, those of them that have approval have gone through very stringent environmental examination so that we know that they will be there for the future and will be supporting our farming.

To date, approximately $125.5 million has been released to Tasmanian Irrigation Pty Ltd for the development of these schemes. This includes $16.7 million for the Meander Valley pipelines, which have been completed and are now fully operational; $4.93 million for the Whitemore Irrigation Scheme, which was completed and launched in May 2011; $6.03 million for the Sassafras Wesley Vale Irrigation Scheme, which commenced operations late in 2011; $2.12 million for the Headquarters Road Dam Irrigation Scheme, which also commenced operations in 2011; $6.23 million for the Winnaleah Irrigation Scheme, which has been commissioned and will commence operations shortly; $5.9 million for the planning and assessment phase of the Midlands Water Scheme; $12.7 million to assist farmers who were able to demonstrate hardship due to the recent floods, to purchase water from Tasmanian Irrigation Pty Ltd schemes; $7.12 million of the $8.8 million for the Lower South Esk Irrigation Scheme, which is currently under
construction; $32.3 million of the $73 million for the Midlands Water Scheme, which has recently been approved; $29 million for feasibility and planning of the schemes mentioned previously, and administration of Tasmanian Irrigation Pty Ltd; and $1.4 million in emergency works to existing irrigation schemes. This is the kind of support that farmers and our farming communities want. They want to be able to build their future knowing that they have got reliable water resources so that they can plant the crops that they need and run the animals that they need well into the future. This is the kind of support that is given to the Tasmanian people by this Labor government.

During the 2012-13 financial year, a further $52 million will be provided for the construction of a number of schemes, including the Midlands Water Scheme. There are irrigation projects at various stages in 12 regions of the state. The Whitemore Irrigation Scheme is operational and completed its first irrigation season earlier this year. It is designed to deliver 5½ thousand megalitres of water over the summer period to about 12,000 hectares of farmland stretching from near the foot of the Western Tiers to just north of the Bass Highway near Carrick. The Headquarters Road Dam near Scottsdale is operational and has also completed its inaugural irrigation season. It is designed to deliver about 2,000 megalitres annually to an irrigable area of 1,800 hectares along the Great Forester River nearly as far as the coast east of Bridport. The Sassafras Wesley Vale Irrigation Scheme is another operational project which has had its first irrigation season. It is designed to deliver nearly 5½ thousand megalitres annually to 10,650 hectares of farmland extending from Devonport almost to Port Sorell and down to Latrobe.

The Winnaleah Irrigation Scheme augmentation was completed in April this year and has been officially opened. This will provide an additional 3,700 megalitres of water to take the Winnaleah scheme's total licence capacity to 6,950 megalitres and extend its irrigable area to a total of approximately 4½ thousand hectares. It will supply water during the coming 2012-13 irrigation season. So you can understand the level of excitement occurring in the Tasmanian farming community.

The program to irrigate the Midlands of Tasmania is underway. This comprises two schemes: the Lower South Esk Irrigation Scheme and the Midlands Water Scheme—the Arthurs Pipeline. Together they will deliver a total of 43,800 megalitres. Construction of both schemes has commenced. Not only will these in the long term be providing the water for the arable land that I have referred to earlier but, of course, there is a lot of work and a lot of employment going into the construction of the dams.

Water sales to landowners to be serviced by the Kindred North Motton Irrigation Scheme have been successful. Farmers are supporting this very well. This scheme is planned to deliver 2½ megalitres of water annually to an irrigable area of 8,485 hectares of some of Tasmania's prime cropping country in the central north-west. The project is scheduled to move from the design and approvals phase to the construction phase imminently.

The South East Irrigation Scheme also is in the planning and approvals phase following acceptance of the project's business case. This will supply more than 5,000 megalitres to an irrigable area of about 25,000 hectares extending in a broad arc from north of Hobart through the Coal River Valley to Orielton, Sorell and as far as the Forcett area. The schedule is for the scheme to be completed ahead of the 2014-15
irrigation season. Interestingly enough, the whole area that I referred to there—the Coal River Valley and Orielton as far as Forcett—historically was known as the wheat basket of Australia. In colonial times particularly, that was where a great deal of the wheat was grown that provided for the needs of our growing country during its colonial stage. In recent times, changing conditions have meant that that has not been possible. This irrigation scheme should see that area flourish once again.

Tasmanian Irrigation is examining water development in catchments in north-east Tasmania. The Upper Ringarooma Irrigation Scheme is expected to go to water sales next month now that the business case has been approved by the Tasmanian government. Preferred options for the Great Forester and Brid catchments, the Southern Highlands in the Bothwell area, and the Dial Blythe in the north-west have also been developed.

I have really been concentrating on irrigation then, but in an area like Tasmania—as I am sure my colleague Senator Bushby would agree—it means that Tasmania can take its place quite proudly where it should be as the food bowl of the country. Irrigation, of course, is key, but there are many, many other things that need to be done to make sure that agriculture, fisheries and forestry have a good future in our state. Some of the key achievements in the primary industry area recently in my home state have been in effective management of biosecurity threats, including through risk assessment of imports, barrier interventions, surveillance and emergency response training for staff and industry.

We have recently seen the Macquarie Harbour salmon expansion receive approval for an amendment to the Macquarie Harbour marine farm planning development in May, and this amended plan has been provided to the Commonwealth for consideration under the Environment Protection and Biodiversity Conservation Act. We are optimistic that that will be the case. This is a huge body of water, and over time, given where some of the farms have been placed, they are not necessarily 100 per cent compatible with the growing tourism industry. The new plan will mean not only that there will be an expansion in the area but that the farms will be moved so that they can work more closely with the tourism industry, which is of course huge in the area.

We have seen the Tasmanian Institute of Agriculture continue its world-class research, development, extension and education activities, providing support to the farming sector that exceeds anything that is available interstate. I am very proud to say that Tasmania has also introduced a ban on sow stalls, brought forward to mid-2013, in partnership with industry and supported by half a million dollars in the budget allocation. The phase-out of cage egg production, initiated in partnership with industry, is also occurring. There is a review of the RSPCA underway with a view to recommending actions required to achieve a financially sustainable position. I am sure that animal welfare is at the heart of all people in this place.

Labor in Tasmania has entered a partnership agreement with the University of Tasmania to form the Institute for Marine and Antarctic Studies, IMAS. The Sustainable Marine Research Collaboration Agreement underpins the operation and governance of IMAS, and it is an internationally recognised institute. In Tasmania there are scholarships being provided for a degree of Master of Business Administration (Professional) in Agricultural Innovation at the University of Tasmania. The Inland Fisheries Service has entered into an MOU with tourism bodies to align
marketing strategies so they can work together to extend brand partnership activities as well as facilitating communication for activities relating to inland fisheries and tourism.

People would know very well that forestry in Tasmania is going through some fairly challenging times. Whilst I do not pretend to be an expert on the issue of forestry, I do take some umbrage at some of the comments made by the previous speaker when he referred to events of the 2004 election, which did in fact see the 'F' in the CFMEU support then Prime Minister Howard—actually on the same stage at a forum in Launceston. It is something that most Tasmanians, and indeed all Labor people, were extremely sad to see. I think we can track some of the difficulties we have in forestry in Tasmania today back to the fact that we were subjected to the results of that election and received the funding under the Howard government at the time which kept a lot of unsustainable practices going.

One could wonder if the result of that election had been different and we had had the then leader Mark Latham become Prime Minister with his promise of a very large amount—I cannot remember the exact number off the top of my head, but I do think it was in excess of $800 million back then—to look at restructuring our industry whether we would be in the difficulties we are in today.

But this federal Labor government has nailed its colours to the mast and made sure that it is standing up and prepared to help with the restructuring of Tasmania's forestry industry through the Tasmanian forestry intergovernmental agreement. I can only hope to see a good end to that process. We have had difficulties around forestry in our state for a long time now. That asset is valued by all Tasmanians—sometimes from a slightly different perspective, but definitely valued. To see a mutually acceptable end to the negotiations that are currently going on as I speak would be a good thing for all of Tasmania. This federal government has made a considerable sum of money available—I believe it is in excess of $120 million—to help facilitate that.

So for members opposite to stand up in this place and say that Labor members do not understand rural Australia, that they do not stand up for rural Australia, that they do not hold dearly in their hearts our farmers, our farming practices, our fishermen and our forest workers is, quite frankly, completely wrong. Labor is a party for all workers. To us it does not matter whether they work in the city or in the country. In fact, it might behove our members to look back in history and remember the shearsers strikes and some of the things that happened under that tree to make us all remember where the roots of the Labor Party are and where they always will be—and that is in the heart of the land on which we live.

Senator McKenzie (Victoria) (18:17): I rise to speak on general business notice of motion 953, which moves that the Senate notes the Labor government's abject failure to support Australia's agriculture, fisheries and forestry industries. These industries make an important contribution to Australia economic, social and environmental prosperity. They surely deserve a bit more support, along with the third of Australians who live in rural and regional Australia. The industries employ 332,000 people across our region in full- and part-time work. There are 134,000 thousand farm businesses in Australia, with each Australian farmer producing enough food to feed 150 people locally and 450 people overseas. Our farm gate contributes three per cent to Australia's total GDP and our farmers export about 60 per cent of their produce.
It has been a big week in fishing. We have learnt a lot in the discussions and debates that have occurred in the Senate this week. I know I have. Our commercial fishing and aquaculture industry is worth $2 billion annually and the Australian fishing industry employs over 16,000 people.

Senator Thorp was mentioning the forestry industry. My own father began his business career as a logger in the early 1960s in a little town in regional Victoria called Marysville. Wood product industries are also pulling their weight, despite the Greens-Labor policies of Tasmania. Their annual turnover is $22 billion. In 2006 they did employ 120,000 Australians, but that number is much fewer now thanks to successive state Labor governments. Senator Thorp made some commentary around forestry workers and how sad she was to see them stand with John Howard in that classic meeting in Tasmania in the 2004 election. That was because the forestry workers chose jobs over the joke of the Labor government they were heading for. Watching Mr Latham's subsequent behaviour after that election bears those workers choice out.

It is hard not to agree with the business notice of motion before the Senate. The Labor government has forgotten regional Australia's key industry, and not just because of its dirty, big deal with its partners in government, the Greens. In the regions, our industries need a few things to thrive and prosper. They need water. They need a certainty to invest. They need support to continue to export our clean, green produce. And they need recognition from government that our way of life is inclusive. We consult. You do not mess with the fence unless you have had a chat with your neighbour. Let's face it: the ALP's track record on any of these key factors is failure.

Firstly, on water, the Murray-Darling Basin Plan has the ability to pull the economic and social rug out from under the community. The basin is a thriving contributor to our Australian economy. Total agriculture production within the basin is worth $15 billion, and 2.1 million people live in the basin and 900,000 are employed. The lack of confidence and certainty around the Basin Plan is affecting local investment and having a significant social impact. There needs to be more information on how water will be recovered. We on our side, along with the community—because I have been to every public consultation in my home state of Victoria—have been clear that water recovery needs to be through infrastructure or environmental works, not buybacks. For the plan to work, it needs the states to cooperate, because the states are the ones that are actually going to be operating the system and developing detailed environmental water plans. But the Gillard government's track record with the states is appalling, and so the lack of confidence continues.

The ALP must admit its approach to water recovery thus far has been a disaster. It has spent $1.9 billion on water buybacks but just $494 million on investment in infrastructure in the basin. For every one litre of water that is being saved through infrastructure, five litres has been taken out of communities through buybacks. If the government wants to recover water above the 2,750 gigs then it must commit to it coming at no additional economic cost to the community. They cannot afford it.

Remember in 2010 when the government assembled the first draft of the Murray-Darling Basin Plan without any community or stakeholder consultation? We heard communities screaming out from Victoria right through up to Griffith. A thousand people rallied in Mildura, angry over the lack
of local input. When we talk about how the ALP does not even understand how we live and work in the regions, they scheduled those public consultations during harvest time in a place like Shepparton, where people are busy working in their business, trying to make a dollar and do not have the time to head off to listen to Tony Burke and Craig Knowles.

The carbon tax, another great Labor Party policy, disproportionately affects regional communities. Dairy, hort, coalmining, transport—they are all major employers out in the regions. Despite the rhetoric of agriculture not being included, it is right now battling the flow-on effects of the tax—increased power prices and input costs on fertiliser and refrigeration. The processors in the dairy sector are battling. Some of the bigger energy intensive sectors are paying the carbon tax itself. The red meat industry will find it harder. Their heavy reliance on road transport will make it easier for competitors in New Zealand, Europe and South America who are not facing the world's biggest carbon tax.

Australia's produce reputation is a great one. We are very proud of our clean, green record. That is how we want to keep it. But how has this government been supporting industry? Let's have a think. Whether it is apples, nursery products or the potato industry, the government's support in Biosecurity and Customs has been to ignore growers' concerns, increase costs and increase regulation. A future decision favouring New Zealand potato imports carries with it serious threats to Australia's $10 billion horticultural industry, an industry that employs over 60,000 people. New Zealand has been ravaged by the zebra chip disease, a bacterium that is spread by a psyllid insect and has caused an estimated loss of $200 million for their producers. Under a Labor government, growers can be uncertain of their biosecurity future.

Turning to science, I have a science degree, so I feel I can speak on this. Science must be a guiding factor when it comes to any decision of this magnitude being made. A decision based on anything else is not acceptable when we are dealing with the economic, social and environmental impacts of getting it wrong. It is not the first time the Gillard government has decided to ignore growers. Last year the government gave the green light to import New Zealand apples. I notice Senator Heffernan has entered the chamber—a fantastic advocate for our horticultural industry. The only problem is that fire blight has existed in New Zealand for almost 90 years, and during that time Australia has managed to keep free of this damaging disease. Almost 90 per cent of the pear industry is concentrated in my home state of Victoria, in the Goulburn Valley. The industry is worth $200 million per annum and employs approximately 2,000 people. But Labor did not listen to growers. We now have New Zealand apples in Australia.

The list continues. Regional development funds of the government should focus on supporting local communities to achieve local outcomes, but Minister Crean has frozen the regional development fund. Where does that leave those communities who had hoped to use the funds to revitalise their towns? The Australian newspaper confirmed the government would halt the $2 billion worth of grants. This is after slashing $400 million from the program over the past two years. So it is not just the current effort to deal with the current economic mismanagement that we are dealing with but a sustained program of de-investment over time.
Not that regional Australia under this government is defined in a way that accurately reflects what we on this side understand a region to be. When this Labor government under the regional development program gives 80 per cent of the money to cities, we have a problem, Houston—and so does Mitiamo.

One of the issues with this Labor government is that they are so desperate to be liked. They are also so desperate to be green. They are so desperate to be like the Greens. It means email campaigns and public pressure from the left, from inner urban elites, can cause catastrophic flip-flops in ministerial decision making. There is no greater example of this than the live cattle export debacle. The cattlemen and their families are still dealing with the fallout in an industry that may never recover—because Joe folded, because Julia could not take the heat. Even this week we saw the ship of fools throw science overboard, the science underpinning how our fisheries are managed.

When ministers can overturn the livelihoods of a minority because of an email campaign, something is seriously wrong with the democracy. Ministerial insecurity complexes have been a direct result of Labor's dance till the death with the Greens.

Forming the alliance with the Australian Greens was always going to be bad news for regional Australia, and we know that. We tell the nation every time we get to vote. That is why the Greens vote in Mallee is just a little over seven per cent and why the Greens vote in Murray, right across northern Victoria, was six per cent. Every day that this government remains wedded to the Greens is another day that regional Australia continues to wonder if those in power can hear, because they are hypocrites.

When Christine Milne acknowledges that rural Australia ‘faces complex agricultural, environmental and social challenges’, she is right. They are challenges that her own policies have created. Their policy on the Murray-Darling Basin Plan says otherwise. They would like to see 4,000 gigs go. That will have a catastrophic economic and social cost on communities right throughout the basin. The Greens' food production policies say otherwise. Their economic management credentials say otherwise. They are all hope and no hard work. Out there in the regions that is something we understand all too well—it is hard work.

In closing, while this government supports a carbon tax it cannot support the dairy industry. When this government does not support science, it cannot support our fishing industry. And while this government supports locking up the forests it cannot support our forest industry. So when we look at the motion we are debating today—that the Senate notes the Labor government's abject failure to support Australia's agriculture, fisheries and forestry industries—the evidence is clear. This government cannot support agriculture, fisheries and forestry industries because it is supported by the Greens.

Senator GALLACHER (South Australia) (18:29): I take the opportunity to quickly address Senator Macdonald's view that Labor is uninterested in rural electorates. My diary would clearly illustrate the work done in the electorate of Grey, from trade training centres to infrastructure projects such as the development of Port Lincoln airport, the Curramulka town centre, the Yorktown town centre and right across the great York Peninsula.

The DEPUTY PRESIDENT: Order! Senator Gallacher, the time for the debate has expired.

Senator Ryan: Mr Deputy President, I raise a point of order.
The DEPUTY PRESIDENT: I indicate to Senator Ryan that I think you are clarifying as to where we are on the Notice Paper. The debate was a strict 90-minute debate. The debate commenced at 5 pm and concluded at 6:30 pm, so we are now moving to consideration of government documents.

Senator Ryan: I understand that there are divisions after 4.30 and I was informed that as a matter of general business we would put that motion.

The DEPUTY PRESIDENT: If the debate had expired before the 90 minutes elapsed then the motion would have been put. But we continued through to 90 minutes. Senator Gallacher was the next speaker and had the right to speak, so he was afforded that opportunity for a number of seconds.

COMMITTEES

Human Rights Committee

Report

Senator STEPHENS (New South Wales) (18:30): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Is leave granted? Leave is granted for two minutes, Senator Stephens.

Senator STEPHENS (New South Wales) (18:31): I thank the Senate. Earlier this afternoon the Government Whip tabled on my behalf the Parliamentary Joint Committee on Human Rights 4th report, which was the interim report of the committee's consideration of the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012, and was not able to table the tabling statement at that time, nor was the statement able to be tabled in the House of Representatives by the chair, Mr Jenkins. For completeness of the record and because of the significance of the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012 as the first specific legislative consideration of the Human Rights Committee, I seek leave to table the statement to the Senate so that it completes the record.

Leave granted.

DOCUMENTS

Consideration

The following general business orders of the day relating to government documents were considered:

- Wet Tropics Management Authority and State of the Wet Tropics—Reports for 2010-11. Motion of the Parliamentary Secretary to the Prime Minister (Senator McLucas) to take note of document agreed to.
- Australian Institute of Marine Science (AIMS)—Report for 2010-11. Motion of the Parliamentary Secretary to the Prime Minister (Senator McLucas) to take note of document agreed to.
- Australian Fisheries Management Authority—Report for 2010-11. Motion of Senator Bushby to take note of document agreed to.
- Military Superannuation and Benefits Scheme (MSBS), Defence Force Retirement and Death Benefits Scheme (DFRDB) and Defence Forces Retirement Benefits Scheme (DFRB)—Report on long-term costs prepared by the Australian Government Actuary using data to 30 June 2011. Motion of Senator Williams to take note of document agreed to.
- Airservices Australia—Corporate plan 1 July 2012 to 30 June 2017. Motion of Senator Back to take note of document called on. On the motion
of Senator Bushby debate was adjourned till Thursday at general business.

Treaties—Multilateral—Agreement Establishing the African Development Fund, done at Abidjan, Côte d’Ivoire on 29 November 1972 as amended, and Agreement Establishing the African Development Bank, done at Khartoum, Sudan on 4 August 1963 as amended—Text, together with national interest analysis and annexures. Motion of Senator Faulkner to take note of document agreed to.

Treaties—Bilateral—Agreement between the Government of Australia and the Kingdom of Spain for the Mutual Protection of Classified Information of Defence Interest, done at Madrid on 17 November 2011—Text, together with national interest analysis and annexures. Motion of Senator Williams to take note of document agreed to.

Treaties—List of multilateral treaties under negotiation, consideration or review by the Australian Government as at August 2012. Motion of Senator Williams to take note of document agreed to.

COMMITTEES

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Corporations and Financial Services—Joint Statutory Committee—Corrigenda to report—Inquiry into the Australian Charities and Not-for-profits Commission Bill 2012; the Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012; and the Tax Laws Amendment (Special Conditions for Not-for-profit Concessions) Bill 2012. Motion of Senator Boyce to take note of document agreed to.


Community Affairs References Committee—Report—The social and economic impact of rural wind farms—Government response. Motion of Senator Siewert to take note of document agreed to.

Community Affairs References Committee—Report—Regulatory standards for the approval of medical devices in Australia—Government response. Motion of Senator Siewert to take note of document agreed to.

Foreign Affairs, Defence and Trade References Committee—Final report—Procurement procedures for Defence capital projects. Motion of Senator Bishop to take note of report agreed to.

Community Affairs References Committee—Report—The factors affecting the supply of health services and medical professionals in rural areas. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator Bushby in continuation.

Economics References Committee—Report—Investing for good: The development of a capital market for the not for profit sector in Australia—Government response. Motion of Senator Back to take note of document agreed to.

Rural Affairs and Transport References Committee—Report—Animal welfare standards in Australia’s live export markets and the Live Animal Export (Slaughter) Prohibition Bill 2011 [No. 2] and Live Animal Export Restriction and Prohibition Bill 2011 [No. 2]—Government response. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.

Education, Employment and Workplace Relations References Committee—Report—The shortage of engineering and related employment skills. Motion of Senator Back to take note of report agreed to.

Corporations and Financial Services—Joint Statutory Committee—Final report—Inquiry into the collapse of Trio Capital. Motion of Senator Back to take note of report agreed to.

Gambling Reform—Joint Select Committee—First report—The design and implementation of a
mandatory pre-commitment system for electronic gaming machines—Government response. Motion of Senator Macdonald to take note of document agreed to.

Legal and Constitutional Affairs References Committee—Report—A balancing act: provisions of the Water Act 2007—Government response. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.

Rural and Regional Affairs and Transport References Committee—Interim (2) and final reports—Australia’s biosecurity and quarantine arrangements. Motion of Senator Back to take note of reports called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.

Community Affairs References Committee—Final report—Inquiry into Commonwealth funding and administration of mental health services. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.

AUDITOR-GENERAL’S REPORTS

Report No. 3 of 2012-13

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (18:35): I rise to take note of the Australian National Audit Office report on the design and conduct of the first application round for the Regional Development Australia Fund. The audit was designed to assess the effectiveness of Regional Australia’s management of the design and implementation of the Regional Development Australia Fund program. Thirty-five projects were given the green light, with a total of $150 million. Regional Australia’s management of the design and implementation of the first RDAF funding round was effective but there were faults with the program and the process. For example, applications had to be lodged online via Regional Australia’s portal, but there were issues with people being able to lodge those and therefore applications processed for the second round had changed.

A really worrying aspect is that 348 of the 553 applications were ineligible, that is 63 per cent, which is very high compared to other grant programs. The report rightly finds that the situation does not reflect well on the accessibility of the program. Australian Labor Party projects were more successful, strangely. The ALP-held electorates had an approval rating of 22 per cent. Coalition or Independent held seats had an approval rating of 14 per cent. This is partly due to the fact that the panel’s recommendations to the minister included more ALP projects.

It notes the minister approved funding for the Geelong Football Club application for the Skilled Stadium redevelopment, even though the panel was of the view that the application was not ready to be funded. The application was in the lowest band and the only one of 41 in that band to get funding. The Regional Development Australia Fund for the Geelong Football Cub's Skilled Stadium is quite amazing. The Australian National Audit Office says there remains scope to improve the assessment of whether eligible applications represent value for money. There needs to be a cleaning up of the process to ensure there is transparency and accountability in future funding rounds, something this government is not very good at going on its track record. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

AUDITOR-GENERAL’S REPORTS

Consideration

The following order of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 2 of 2012-13—Performance audit—Administration of the Regional Backbone Blackspots Program—Department of Broadband, Communication and the Digital Economy. Motion of Senator Back to
take note of document called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.

ADJOURNMENT

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (18:37): I move:

That the Senate do now adjourn.

Living Away From Home Allowance

Senator BOYCE (Queensland) (18:38): I will use this time to speak on a bill which I was unable to speak on during the week, the Tax Laws Amendment (Measures No. 4) Bill which is related to reforms to the living away from home allowance. The coalition voted for this legislation because we have no problems whatsoever with reform of the living away from home allowance provisions. However, I particularly have some concerns about some of the inequities and the potential discrimination that has been introduced in the bill by this government because of the way of treating foreign temporary residents working in Australia under this act.

Whilst the living away from home allowance will not change for Australians until well into next year, the government's current plan is to change the situation for people on 457 visas from October, in a few weeks, without any notice whatsoever. People here on 457 visas who receive the living away from home allowance will now have to have a home in Australia from which they are absent. That might seem quite reasonable on the face of it, except that large numbers of employers, universities and others, have quite lawfully employed people under the current conditions of the living away from home allowance, and all this will have to be changed almost overnight. It is a serious situation for some of them.

There was a survey of 304 foreign workers which was conducted in May this year by the recruitment firm Robert Walters. It found that 72 per cent of them said that losing the allowance would make it harder for them to stay in Australia and 57 per cent said they would consider leaving once it was withdrawn. The other problem with this legislation is that it will transfer the costs from the government system and the tax-free aspects of a living away from home allowance to employers. For example, if someone is currently on $75,000 with a $10,000 living away from home allowance, the government thinks the employer will suddenly pay $85,000. This is by no means certain in some areas. It also brings into question the fact that people here on 457 visas who were entitled to the living away from home allowance do not receive Medicare benefits, they pay for the education of their children in the state system and they have higher costs of living. A lot of them have signed contracts to come here on the basis of the current living away from home allowance regime. They will be seriously disadvantaged when it changes.

We need to keep in mind too that the majority of people who will be affected by this, despite the fact that they are not Australian voters, are people filling jobs that we have difficulty filling from within Australia. Many of them have very high, unusual, rare and sought after skills. The Deputy Vice Chancellor of the University of Sydney, Professor Ann Brewer, said that the living away from home allowance had been used to attract researchers and it would be incredibly difficult to compete with other countries if the current changes went ahead. She said they used the benefits to attract high-quality international academics to Australia, despite the fact that we have quite a high cost of living. Professor Brewer said:
The bill is likely to have a significant and unintended negative impact on the quality and international competitiveness of the Australian university sector. Australia will miss out on getting some of our best internationally-based researchers to return to Australia rather than go somewhere else.

One person who wrote to me in regard to this sets out the problems that we are causing by cutting off 457 visa people from the living away from home allowance in October. This gentleman wrote:

After visiting Australia many times over the past 15 years, in June 2011 I was offered the opportunity to work in Australia. I signed a 4 yr contract to come to work in Sydney and in August 2011 my wife and I made the move here. When making the decision to come we calculated my net pay (including the Living Away from Home Allowance component which was offered as part of my contract) in accordance with all Australian tax law and ATO guidance. Upon doing so, my wife and I were satisfied that although the cost of living in Sydney was far higher than in our home town in Yorkshire UK the fact that we would get the tax free allowance of LAFHA would enable us to afford to come to Australia.

We wound up a small business we were running in the UK and I signed a fixed term contract on that basis. This was completed prior to any mention of any consultation on reform of LAFHA. At the beginning of November 2011, again before any mention of LAFHA reform we signed up to a two year contract on a rental property. The budget again was calculated with LAFHA included.

There is a human factor of the number of people who will be affected by this change. As I said, we can argue that this is something that is being done to noncitizens, so what does it matter? But these are people with families, with highly sought after skills and who may very well leave Australia.

The other issue is that it is quite likely, according to PricewaterhouseCoopers, that the provisions are discriminatory against these people. We have tax treaties with the United Kingdom, the United States, New Zealand, South Africa, Japan, Norway, Finland, Turkey and Chile, and these all include non-discrimination clauses. Under the International Tax Agreements Act 1953 these treaties are incorporated into Australian domestic law and they take precedence over contravening domestic tax legislation. Each non-discrimination clause prevents the parties to the treaty from overtly discriminating against nationals of the other country as regards taxation.

The conditions around transitional arrangements in the bill are, in my view, overtly discriminate because they require only foreign workers to maintain a home in Australia that they do not live in to access the living away from home allowance. This is not a condition that is required for Australian workers. Australian workers do not need to maintain a home to be eligible for the living away from home allowance. This overt discrimination is notionally unlawful as it applies, for example, to UK residents by virtue of the applicable tax treaty. In particular, I am advised that there may be a breach of the UK-Australia Double Taxation Convention, in which article 25 states:

Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances, in particular with respect to residence, are or may be subjected.

I appreciate the savings that the government is trying to make by the reform of the living away from home allowance. I do not believe that people who come here on 457 visas to assist Australia and its development should get special treatment but nor should they be discriminated against in
the way they have been by the government's transitional arrangements just because they do not have a vote.

**Operation Flinders**

Senator WRIGHT (South Australia) (18:47): The ancient Flinders Ranges in South Australia are the stunning backdrop to a program that has been transforming troubled kids' lives since 1991. In May this year I had the fortune to visit Operation Flinders for myself and to witness its magic. Like most of the participants in the program, I came home changed.

Operation Flinders is a program for kids at risk of offending or disengaging from school or home. It takes young men and women aged 14 to 18 out of their usual and often difficult environments and gives them the opportunity to experience success and achievement in ways they may never have experienced before. Some of these young people have never had a trusted adult relationship, some of them are barely literate, and others have never before had the chance to stretch themselves or to take risks in a safe environment.

So it was that I was invited to go, and one Saturday in May I boarded a light plane with some other lucky visitors for an hour, and then took a bumpy bus ride until I arrived in a place that was a world away from Adelaide—Yankaninna Station, located in Adnyamathanha country, the headquarters of Operation Flinders. There we found a veritable hub of activity. The team that coordinates the safe operation of exercises that take place monthly for most parts of the year—except the extremely hot months in South Australia—for nine teams of up to 10 young people at a time.

In the supplies shed we found racks of backpacks, piles of supplies, maps and charts and radio equipment, and we saw that these were all overseen by a small 'army' comprising a few paid staff and many committed volunteers who work as team leaders, exercise commanders, SA Ambulance paramedics, communications and operations officers, cooks and drivers. This is the logistical marvel that we came to know as base camp.

On the other hand, the young people—the participants—remain blissfully unaware of the degree of work that goes on behind the scenes to make their experience so amazing. All they know is that after a long drive by bus they arrive in the bush with their teammates and a counsellor, usually a teacher or school counsellor. They have been selected by their school or community organisation as being likely to benefit from the program. They are handed a backpack with some basic sleeping, camping and wet weather gear—and I mean very basic—and they set off with experienced team leaders on a physical and psychological challenge that takes eight days and more than 100 kilometres.

By the end of the track these young people have done many unfamiliar things, like making camp, cooking their own food, climbing mountains and abseiling down a rugged cliff. They have done team-building tasks and have met with people from the local Adnyamathanha community, who share Dreaming stories and traditional food with them around a campfire.

This is a process that challenges them greatly and encourages them to achieve things way beyond their expectations. Over the eight days they come to rely on trust-worthy adults, sometimes for the first time in their lives, and they experience the reward and power of supporting and depending on each other. The program is designed to fire their imaginations too, through some playful and creative aspects that stimulate them to think about new possibilities for what life
could hold for them. I witnessed one particularly interesting and fun aspect of the program but I am not at liberty to disclose it because that would be giving the game away, and I was sworn to secrecy. It was delightful and effective to see.

Throughout the course of their adventures these young people begin to believe: 'If I can do that I can do anything.' The results are very impressive. An evaluation in 2001 showed Operation Flinders performed highly against best practice benchmarks around the world for this kind of transformative wilderness program. There were significant improvements in areas of self-esteem, school behaviour, social attentiveness and self-confidence. Criminogenic factors such as anger, attitude towards police and identification with criminal activity were also reduced.

Academic studies aside, we visitors saw convincing evidence of the 'magic' at work when we met some individual teams and young people who were highly enthusiastic—even euphoric in some cases—about their experiences and what they had been achieving in their team. It is important to emphasise that this is not 'brat camp' or 'boot camp'. I was struck by the overwhelming principles of respect and compassion that were reflected in everyone I met and all aspects of the operation.

Around the campfire, we at base camp on Saturday night met many of the long-serving volunteers—people had been serving over decades in some cases—who regaled us with moving tales of young people who had been transformed by the experience over the years. The one phrase that sticks in my mind that I heard most often was, 'We do this for the kids.'

The program has a 'resident' psychologist, Doug, who explained to me that the participants typically pass through four stages over the course of the eight days in the program. Initially there is what they call a 'storming' phase. They are excited and they have volunteered to do the program, but when they get there it is extremely hard and it is like nothing they have ever experienced before. So they complain about the physical aspects and they rebel. They are not used to taking instructions; they are not used to accepting authority. They rebel and, in some cases, they try running away.

The next phase is what is called the 'norming' phase. They have been through the 'storming' and then there is the 'norming', which is really just a period a few days where they adjust and they start to understand that these are the limits and this is what they need to undergo. Then comes the 'performing' stage, which is really the height of the program. They are working together as a team, they are contributing and cooperating, they are experiencing achievement and they are starting to feel, for some of them, the first time they have really experienced success in their lives.

The fourth stage is the 'mourning' phase, as they contemplate leaving leaders, who they have come to trust and admire, and their teammates and are coming to terms with the fact that they will have to return to what are often challenging life circumstances. What these young people do take home with them is their powerful new knowledge of what they are personally capable of and the possibilities that the world can offer them. Everywhere in Operation Flinders it is clear that the welfare of the kids is paramount, and the emphasis is on encouraging them to understand that they have accomplished something that entitles them to belong to the Operation Flinders family.

Before leaving, all participants receive a T-shirt and a dog tag stamped with an 1800 number that they take with them to keep
forever. They can ring the number if they are in trouble or want to contact the foundation staff. They have had previous participants who have rung over the years to contact the staff and get some support. For some participants who have never had or who have lost contact with a trusted adult, this reminds them that they are now a member of the Operation Flinders family and they are not alone.

Over 300 young people benefit from this program each year. The South Australian government and many generous benefactors support Operation Flinders in funds and in kind in the form of goods and services. Of course, with more support from government, corporations and individuals, they could assist so many more kids and extend their follow-up support for participants too.

My own particular Operation Flinders challenge was to abseil down a 30-metre cliff for the first time. I experienced how reassuring it was to have instructors who were reliable and protective and how supportive it was to have a team at the bottom of the cliff encouraging me down. It was not easy—I am afraid of heights—but I was surprised and then exhilarated that I managed to do it. It gave me a taste of what Operation Flinders offers to those kids who really need it.

I would like to thank the indefatigable CEO of Operation Flinders, John Shepherd, and the many people at Yankaninna—from cooks, drivers, instructors, officers and all the others, including Brenton, the pilot—who looked after us so well on our visit. For those who would like to know a bit more, Operation Flinders has its own website and I have also written a blog about my visit with some photos attached.

There is one more thing I will add. While I was visiting Yankaninna Station, there was another, much more special, visitor than me. It was Poh of Poh’s Kitchen fame. Poh was there to experience the trek with a group of the young participants. She did not cut any corners; she experienced the highs and lows. In the process, one of her programs was made, which will be airing on ABC TV on Tuesday, 9 October at 8 pm. I understand from what I heard that it was a challenging experience for Poh but one that in the end was extremely rewarding, and I encourage people to have a look at that program to get a better understanding of how Operation Flinders operates and the transformative experience that it can offer to the young participants—not to mention the celebrity chefs—who take part in it.

Senate adjourned at 18:57

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.]

Civil Aviation Act—Civil Aviation Safety Regulations—Instruments Nos CASA—EX144/12—Exemption—operations without an approved digital flight data recorder [F2012L01892].

EX145/12—Exemption—Airservices Australia aerodrome rescue and fire fighting service (ARFFS) [F2012L01890].

EX147/12—Exemption—recency requirements for night flying (Virgin Australia Airlines Pty Ltd) [F2012L01893].


Textile, Clothing and Footwear Investment and Innovation Programs Act—Clothing and Household Textile (Building Innovative Capability) Amendment Scheme 2012 (No. 1) [F2012L01894].
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Kokoda Track
(Question No. 1941)

Senator Ronaldson asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 28 June 2012:

With reference to the Kokoda Track:

(1) When did the Papua New Guinean Government request the term ‘Track’ be used when referring to the Kokoda Trail.

(2) Was the request an initiative of the Papua New Guinean Government or the Australian Government.

(3) Who is the head of the PNG National Taskforce.

(4) Was the Australian War Memorial consulted in the decision to change the official name; if so, what was the response.

(5) Was the Returned and Services League of Australia or any other ex-service organisation consulted prior to the decision being made; if so, what was the response.

(6) What was the annual remuneration package, including salary and allowances, for the Chief Executive Officer of the Papua New Guinea Kokoda Track Authority (PNG KTA), Mr Rod Hillman, for the period 2009 to 2012.

(7) What was the annual remuneration package for all other Australian personnel attached to the PNG KTA, for the period 2008 to 2012.

(8) In relation to the Special Envoy on Kokoda appointed by the former Prime Minister, Mr Kevin Rudd: (a) who was appointed to this position; (d) did the individual receive any payment; if so, what are the details of the remuneration package; and (c) what have been the outcomes of the appointment.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:

(1) The term ‘Kokoda Track’ was adopted for the implementation of the Kokoda Initiative on the basis of the Papua New Guinean Government’s use of the term in establishing the Kokoda Track Authority to oversee the management of the Track; by nominating Papua New Guinea’s ‘Kokoda Track and Owen Stanley Ranges’ to the World Heritage Tentative List, as well as using the term in the Papua New Guinea-Australia Joint Understanding on the Kokoda Track and Owen Stanley Ranges.

(2) The use of the term ‘Track’ is the preference of the Papua New Guinean Government.

(3) The Secretary of the Papua New Guinean Department of Environment and Conservation.

(4) There was no such decision. See the answer to Q1 above.

(5) There was no such decision. See the answer to Q1 above.

(6) The annual salary for Mr Rod Hillman from 2009-2012 aligned with the Department of Sustainability, Environment, Water, Population and Communities’ Enterprise Agreement at the Executive Level 2 level. Mr Rod Hillman’s allowances during this period aligned with the Department of Foreign Affairs and Trade’s Conditions of Service for Papua New Guinea.

(7) Four Australian personnel were attached to the Kokoda Track Authority, a Special Purposes Authority of the Kokoda and Koiai Local-level Government, during different periods between 2008 and 2012 and remunerated indirectly by the Australian Government through a local service provider. Their remuneration packages aligned with the Department of Sustainability, Environment, Water,
Population and Communities’ Enterprise Agreement at the time and the Department of Foreign Affairs and Trade’s Conditions of Service for Papua New Guinea based staff. These included one Executive Level 2 level package and three Executive Level 1 packages at different times during the period.

(8) (a) Mr Sandy Holloway AO;

(b) Yes. The Special Envoy’s remuneration was $1980 AUD (GST inclusive) for a full day, or for periods less than a day, $275 AUD (GST inclusive) per hour

(c) Development of, and securing Papua New Guinea agreement to, both the first and second Joint Understandings between the Papua New Guinean and Australian governments to protect the Kokoda Track; development of the Kokoda Safety Package; and securing Papua New Guinean Government funding of approximately $8.5 million AUD over five years to support the Kokoda Initiative.

Kokoda Track
(Question No. 1942)

Senator Ronaldson asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 28 June 2012:

With reference to the Kokoda Trail, has any market research been conducted to determine: (a) why people want to trek across the Trail, including whether they were motivated by history, the physical challenge, the local culture or the environment; (b) what was thought of the experience; (c) suggestions to improve the experience, such as whether people would prefer the Trail in its natural or in an improved condition; and (d) interest in visiting other destinations in Papua New Guinea as a result of the experience.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:

(a) Yes. Market research was funded by the Australian Government under the Kokoda Initiative to assist in the development of a Regional Tourism Strategy. The main reasons people wanted to trek were physical challenge and the wartime history.

(b) The final report from the market research summarises the experience as follows: “Whatever the initial motivation to trek Kokoda, the overwhelming outcome is a sense of achievement and fulfilment at completing the trek plus a heightened awareness of the importance and relevance of what the Australian soldiers endured in WW2. While the physical challenge gives bragging rights, it is the emotional challenge that is less expected, more confronting and certainly is reported as the life changing factor.” (Report ‘Trekking the Kokoda Track – A Summary of Findings’ prepared by Bentley, A. & Wadsworth, C. for the Department of Sustainability, Environment, Water, Population and Communities, March 2011).

(c) No.

(d) Yes. The market research funded by the Australian Government showed that Kokoda is chosen as a destination in its own right, not as part of a broader Papua New Guinean visit.

Kokoda Track
(Question No. 1943)

Senator Ronaldson asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, in writing, on 28 June 2012:

With reference to the Kokoda Trail and trek operators:

(1) How many trek permits to walk the Kokoda Trail have been issued since 2008.

(2) Can a list be provided detailing the number of trek operators’ forums held between 2009 and 2012, including for each forum: (a) how many operators attended; (b) the cost incurred to hold the
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forum; (c) how many Papua New Guinea Kokoda Track Authority (PNG KTA) personnel attended; and
(d) the cost per PNG KTA personnel to attend.

(3) Was any draft legislation prepared to support the Code of Conduct, developed by PNG KTA in 2009, for Kokoda trek operators.

(4) What action has been taken to implement legislation to support the Code of Conduct.

(5) What management protocols have been promulgated to ensure trek operators abide by the Code of Conduct.

(6) How many trek operators have been licensed by the PNG KTA, detailed per year between 2009 and 2012.

(7) Is it a requirement for all Kokoda trek operators to have a current public liability insurance policy as a condition of obtaining a trek operator’s licence; if not, why not.

(8) How many licensed trek operators hold valid public liability insurance.

(9) Have any Australians trekked with a licensed operator who does not have public liability insurance; if so, how many.

(10) Was an expert consultant engaged to develop a Trekker Activity and Operator Safety map ‘to assist trekkers in preparation for and throughout their trek’; if so: (a) what amount was paid to the consultant for the project; and (b) how many mapping expeditions did the consultant complete in order to verify the accuracy of the map.

(11) Has the accuracy of the map been validated.

(12) How is the map distributed to trekkers and how many have been distributed.

(13) What was the total cost of the mapping project.

**Senator Conroy:** The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:

1) The Australian Government does not collect statistics on Kokoda Track trek permits. The administration of trek permits is the responsibility of the Papua New Guinean Kokoda Track Authority, a Special Purposes Authority of the Kokoda and Koiari Local-level Governments. The Kokoda Track Authority is established under the relevant Papua New Guinea legislation and is not responsible to the Australian Government. The question should be directed to the Papua New Guinea Government.

2) The Kokoda Tour Operators’ forums are run by the Kokoda Track Authority. The Kokoda Track Authority is a Special Purposes Authority of the Kaori and Kokoda Local Level Governments, established under the relevant Papua New Guinea legislation. The Kokoda Track Authority is not responsible to the Australian Government. The question should be directed to the Papua New Guinea Government.

a) See answer to Question 2.

b) See answer to Question 2.

c) See answer to Question 2.

d) See answer to Question 2.

1.3) The Australian Government is unaware of any draft legislation on this matter.

4) See answer to Question 3.

5) The Kokoda Track Code of Conduct was developed by the Kokoda Track Authority and is a voluntary measure set in place to encourage low-impact, culturally sensitive and environmentally friendly travel whilst on the Kokoda Track. The Code of Conduct is monitored by the Kokoda Track Authority.
6) The Australian Government does not collect these statistics. The administration of Commercial Operations Licences for operating tourism related businesses within the Kokoda Track Corridor and collection of licence statistics is the responsibility of the Kokoda Track Authority.

7) Yes. The Kokoda Track Authority’s Commercial Operations Licence conditions include the requirement for trek operators to maintain a policy of public liability insurance at all times during the period the licence is held.

8) The Australian Government does not collect these statistics. The administration of Commercial Operations Licences for operating tourism related businesses within the Kokoda Track Corridor and collection of licence statistics is the responsibility of the Kokoda Track Authority.

9) The Australian Government does not collect these statistics. The administration of Commercial Operations Licences for operating tourism related businesses within the Kokoda Track Corridor and enforcement of licence conditions is the responsibility of the Kokoda Track Authority.

10) Yes.
   (a) $41,849.50 AUD.
   (b) The Trekker Activity and Operator Safety maps were developed using GPS data collected by the consultant during two visits to the Track and GPS and other spatial data provided by the Kokoda Track Authority and other PNG Government Departments. The accuracy of the maps is being verified by the Kokoda Track Authority.

11) The accuracy of the maps is being validated by the Kokoda Track Authority. The Authority has advised that some minor errors have been noted.

12) The maps are distributed by the Kokoda Track Authority to tour companies for their use and distribution to trekkers for comments and feedback. The Authority has distributed approximately 150 trekker activity maps and 120 operator safety maps to date.

13) $41,849.50 AUD.

Kokoda Track
(Question No. 1944)

Senator Ronaldson asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 28 June 2012:

With reference to the Kokoda Initiative Annual Report 2010-2011, in particular the goal of ‘A safe and well-managed Kokoda Track, which honours its wartime historical significance and protects and promotes its special values’:

(1) What action has been initiated to develop a Wartime Heritage Interpretation Plan, to honour the wartime historical significance of the Kokoda campaign.

(2) What reports have been compiled in relation to preserving and commemorating the military history of the Kokoda campaign.

(3) What are the ‘special values’ associated with the Kokoda Trail.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:

1) An Interpretation Scoping Study has been commissioned by the Australian Government under the Kokoda Initiative to assess the options for interpretation planning for the Kokoda Track Region, including the Owen Stanley Ranges and Brown River Catchment area.

2) The following reports have been commissioned by the Australian Government:
A working document to ascertain if there is any pictorial evidence remaining of the wartime condition of the track to inform track maintenance work undertaken by the Kokoda Track Authority, a Special Purposes Authority of the Kokoda and Koiari Local-level Governments. One of the main outcomes from the report is that the historical evidence in relation to condition is not comprehensive enough to provide a basis for widespread heritage work based on photographs or maps.

3) Under the Kokoda Initiative the Australian Government is providing assistance to Papua New Guinea to help identify and assess the special values of the Kokoda Track and surrounding Owen Stanley Ranges and Brown River Catchment region. These may include natural values such as the outstanding biodiversity of the region, the importance of the local Papua New Guinean cultural heritage and the military history values.

Kokoda Track
(Question No. 1945)

Senator Ronaldson asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 28 June 2012:

With reference to the Kokoda Initiative Annual Report 2010-2011, in particular the goal to achieve ‘Enhanced quality of life for landowners and communities through improved delivery of basic services, income generation and community development activities’:

1. Did the Papua New Guinea Kokoda Track Authority (PNG KTA) consult with the Papua New Guinean Department of Community Development, Religion and Sports in relation to community development projects along the Kokoda Trail between 2009 and 2012; if so, with what outcomes.

2. What activities have been initiated in regard to ‘income generation’ in local villages along the Kokoda Trail, and how much income has been generated as a result of these activities.

3. What community development projects have been initiated along the Kokoda Trail.

4. Has the Papua New Guinean Department of Community Development, Religion and Sports been involved in the initiatives.

5. What amount of money has been spent on each initiative.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:

1. Information on any consultation undertaken by the Kokoda Track Authority, a Special Purposes Authority of the Kokoda and Koiari Local-level Governments, in relation to community development projects is held by the Authority.

2. The Australian Government has provided funding under the Kokoda Initiative for the Sustainable Livelihoods Program, which is delivered through the Kokoda Track Authority, Statistics on how much income has been generated have not been collected at this time, however the program will be reviewed in 2013.

3. Australian Government funding was provided under the Kokoda Initiative to deliver the Kokoda Development Program administered by AusAID, and questions on this issue should be referred to AusAID.

4. Questions relating to the Kokoda Development Program should be referred to AusAID.

5. Questions relating to the Kokoda Development Program should be referred to AusAID.
Kokoda Track  
(Question No. 1946)

Senator Ronaldson asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, in writing, on 28 June 2012:

With reference to the Kokoda Track, consultants and non-government organisations (NGOs):

1. How much did the partnership between the Kokoda Track Authority (KTA) and Conservation Volunteers Australia cost, and what were the outcomes of the partnership.

2. Which Australian consultants have been engaged by the Australian Government, between 2009 and 2012, to assist the Papua New Guinea Kokoda Track Authority (PNG KTA), and what was the total cost incurred to engage each consultant.

3. What was the: (a) budget; and (b) actual cost and outcome, per consultant engaged by the Australian Government to work on projects along the Kokoda Trail, between 2009 and 2012.

4. Was the owner of EcoSustainAbility, Mr Guy Chester, engaged as a consultant or awarded any contracts during the period in which Mr Rod Hillman was Chief Executive Officer of PNG TPA; if so, can details be provided of the: (a) costs; and (b) outcomes, for each contract or engagement.

5. Can a list be provided of the NGOs that have received funds for projects along the Kokoda Trail, between 2009 and 2012, including details of the: (a) tender process; (b) funds allocated; and (c) outcomes, of each project undertaken per NGO.

6. Can a list be provided detailing how many Conservation Volunteers Australia workers have been involved in ‘track maintenance’ along the Kokoda Trail between 2009 and 2012, including the total amount spent on: (a) international and domestic flights (including charter flights) and accommodation; and (b) any other costs associated with the engagement of these workers.

7. Were unemployed Koiari and Orokaiva people given the opportunity for paid work in relation to track maintenance prior to Australian volunteers being contracted.

8. What are the Key Performance Objectives in regard to track maintenance, as carried out by Australian volunteers between 2009 and 2012.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:

1. The Australian Government provided funds under the Kokoda Initiative to the Kokoda Track Authority, a Special Purposes Authority of the Kokoda and Koiari Local-level Governments, for infrastructure and track maintenance. The Kokoda Track Authority determined that it did not have the human resources to undertake track maintenance itself, and entered into a partnership with Conservation Volunteers Australia. The partnership costs were $99,974 AUD.

Outcomes were:

- Local people at each of 6 villages were paid to assist the Conservation Volunteers Australia and undergo training. They are now qualified track builders that the Kokoda Track Authority can draw on for future track maintenance work.
- Relationships improved between villages and Kokoda Track Authority.
- Dangerous and degraded parts of the track identified in the Track Analysis document were repaired and made safe, which skilled villagers were able to continue to maintain.

2. Using the definition of a consultant under the department’s procurement guidelines, the following Australian consultants have been engaged by the department as part of the Kokoda Initiative between 2009 and 2012 to assist the Kokoda Track Authority:

- Graeme Beech $17,434.72 AUD in 2010-11 and $30,124.25 AUD in 2011-12.
3. a. The Kokoda Initiative had the following total budget:

- 2008-09: $5.012 million AUD.
- 2010-11: $3.531 million AUD.
- 2011-12: $4.49 million AUD (includes safety package of 0.76 million AUD).

b. The Department of Sustainability, Environment, Water, Population and Communities has engaged the following consultants in the financial years 2008-2009 to 2011-2012 to work on projects under the Kokoda Initiative:

- ANU Enterprise: $73,063.36 AUD for delivery of the “Kokoda Track-Brown River Catchment region Preliminary Social Mapping Study and a draft report on fieldwork in Koiari LLG.
- Universal Financial Management Solutions Pty Ltd: $85,322.81 for a feasibility study and design of a funding mechanism for accountable cash grants from the department to be provided to PNG Department of Environment and Conservation.
- Mary Dickie Issues Management Pty Ltd: $52,350.81 AUD for development of a report “Engaging Stakeholders around the Kokoda Region and Brown River Catchment Initiative.
- Mr Sandy Holloway AO: $37,500 AUD for developing and securing Papua New Guinea agreement to both the first and second Joint Understandings between the PNG and Australian governments to protect the Kokoda Track. Secured Papua New Guinea Government funding of approximately AU$8.5 million AUD over five years to support the Kokoda Initiative.
- Aviation Safety Institute: $5,500 AUD for a desktop study on Mt Koiari airstrips.
- Scenic Spectrums Pty Ltd: $31,795 AUD for development of an Interpretation Scoping Study, expected to be completed in 2012.
- Bradley John Manera: $7,000 AUD for research on pictorial evidence of the wartime condition of the track. One of the main outcomes from the report is that the historical evidence in relation to conditions is not comprehensive enough to provide a basis for widespread heritage work based on photographs or maps.
- EcoSustainAbility: $41,611.03 AUD for a Tourism Framework for the Kokoda Region.
- KPMG PNG: $39,459.19 AUD for an audit of the Kokoda Track Authority.
- Graeme Beech: $47,558.97 AUD for Interim Kokoda Track Management Guidelines, implementation plan for the guidelines and to support PNG Department of Environment and Conservation to develop a framework to develop a Sustainable Development Master Plan for the Interim Protected Area.

4. Mr Rod Hillman was the Joint CEO of the Kokoda Track Authority, not the TPA. Yes, the Australian Government, under the Kokoda Initiative, engaged EcoSustainability to develop a Tourism Framework for the Kokoda Region.

a. $41,611.03 AUD.

b. Tourism Framework for the Kokoda Region.

5. Under the Kokoda Initiative the Australian Government has engaged the Kokoda Track Foundation and the Kokoda Track Authority has engaged Conservation Volunteers Australia to undertake projects between 2009 and 2012.
a. The Australian Government provided funding to the Kokoda track Authority which used its procurement process to engage Conservation Volunteers Australia. The Kokoda Track Foundation was engaged in 2009 through a formal Request For Quote process run by the former Department of the Environment, Water, Heritage and the Arts.

b. Conservation Volunteers Australia: $99,974 AUD; and the Kokoda Track Foundation: $36,905 AUD.

c.
- Conservation Volunteers Australia:
  - Local people at each of 6 villages were paid to assist the Conservation Volunteers Australia and undergo training. They are now qualified track builders that the Kokoda Track Authority can draw on for future track maintenance work.
  - Relationships improved between villages and Kokoda Track Authority.
  - Dangerous and degraded parts of the track identified in the Track Analysis document were repaired and made safe, which skilled villagers were able to continue to maintain.

- The Kokoda Track Foundation: identification of market-based micro-business development opportunities along the Kokoda Track corridor, primarily tourism and rural (for example, agriculture and forestry) enterprises associated with the existing trekking industry.

6. The Australian Government provided funding under the Kokoda Initiative to the Kokoda Track Authority in 2009 to engage Conservation Volunteers Australia to undertake Track Maintenance work. Twelve volunteers were located in 6 villages along the track. Information on any other projects undertaken by Conservation Volunteers Australia on the Kokoda Track would be held by the Kokoda Track Authority.

a. Airfares and charters: $16,203.08 AUD; and accommodation and food: $29,088.48 AUD.

b. Tools: $3,169.75 AUD.

7. Yes.

8. In relation to the Conservation Volunteers Australia work for 2009 Track Maintenance, objectives were to:
- Identify and remediate dangerous and difficult sections of the Kokoda Track in the immediate vicinity of the six villages selected.
- Employ and train a team of local workers to assist in completing the track work.
- Provide skills and motivation to the local workers with the objective of creating the potential for future employment, and maintaining the works beyond the life of this program.
- Provide volunteers involved with a unique conservation experience.
- Improve relationships with, and perceptions of, the Kokoda Track Authority along the track.

Kokoda Track
(Question No. 1947)

Senator Ronaldson asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, in writing, on 28 June 2012:

With reference to the Kokoda Track and the Sustainable Livelihoods Project:

1. What is the Sustainable Livelihoods Project.

2. Was the project an initiative of the Australian Government or the Papua New Guinean Government.
3. Who was awarded the tender to conduct the project.
4. What are the Key Performance Indicators for the project.
5. What is the cost of the project to date.
6. What are the specific outcomes of the project?
7. Is the project considered to be a sustainable project for villages along the Kokoda Trail.
8. How many village workshops were conducted between 2009 and 2012, for: (a) Orokaiva people from the Northern Province; and (b) Koiari people from the Central Province.
9. Who was engaged as a facilitator for these workshops.
10. Was the facilitator fluent in Tok Pisin and familiar with Melanesian culture.
11. What were the outcomes and total costs of conducting these workshops.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:
1. The Sustainable Livelihoods Project aims to increase the capacity of Kokoda Track communities to generate income from tourism by adding value to the trekking experience. It has included activities such as a study exploring issues of demand and supply and labour availability; three Pilot Projects in 2010-11; and activities undertaken in 2011-12 developed with reference to the outcomes of the Pilot Projects.
2. The Sustainable Livelihoods project was a joint initiative of the Australian and Papua New Guinean governments under the Kokoda Initiative.
3. The Kokoda Track Foundation was engaged to undertake a study on the Sustainable Livelihoods Project following a formal Request For Quote process undertaken by the former Australian Government Department of Environment, Water, Heritage and the Arts.
   The Australian Department of Sustainability, Environment, Water, Population and Communities entered into a funding agreement with the Kokoda Track Authority, a Special Purposes Authority of the Kokoda and Koiari Local-level Government, in 2010 to deliver activities under the Kokoda Initiative, including Sustainable Livelihoods activities.
4. Objectives for the Livelihoods Project are to:
   • Identify micro-business development opportunities along the Kokoda Track corridor, focussing on tourism and rural enterprises associated with the trekking industry.
   • Consider cultural and religious factors such as expected social exchange traditions involved in business transactions.
   • Reduce as far as possible a reliance on external inputs such as large amounts of credit.
   • Develop low maintenance recommendations without the need for highly sophisticated technical knowledge.
   • Reduce migration to the towns and encourage a more stable and satisfied village community.
   • Involve women and young people in greater income earning activities, thus raising their economic status in village society.
5. $452,205 AUD.
6. Increased the capacity of Kokoda Track communities to generate income from tourism by adding value to the trekking experience.
7. Yes.
8. a. The Sustainable Livelihoods Project is delivered by the Kokoda Track Authority on behalf of the Kokoda Initiative. The Australian Government is aware that the Kokoda Track Authority held
workshops in the Northern (Oro) Province between 2009 and 2012, however questions regarding the specific details of the consultations should be directed to the Kokoda Track Authority.

b. The Australian Government is aware that the Kokoda Track Authority held workshops in the Central Province between 2009 and 2012, however questions regarding the specific details of the consultations should be directed to the Kokoda Track Authority.

9. A Livelihoods Officer from the Kokoda Track Authority was present to help facilitate all workshops and technical experts and consultants were engaged as appropriate to assist. Further questions about these workshops should be directed to the Kokoda Track Authority.

10. Questions regarding the specific details of the consultations should be directed to the Kokoda Track Authority.

11. Questions regarding the specific details of the consultations should be directed to the Kokoda Track Authority.

Kokoda Track
(Question No. 1948)

Senator Ronaldson asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, in writing, on 28 June 2012:

With reference to the Kokoda Track:

(1) What projects have been initiated by Papua New Guinea Kokoda Track Authority (PNG KTA) between 2009 and 2012.

(2) What is the ‘Krappers for Kokoda’ project and was it authorised by PNG KTA.

(3) What funds have been provided by the PNG KTA in support of the ‘Krappers for Kokoda’ project.

(4) What are the outcomes of the ‘Krappers for Kokoda’ project.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:

1) A list of projects funded by the Australian Government and undertaken by the Kokoda Track Authority (a Special Purposes Authority of the Kokoda and Koiari Local-level Governments) under Kokoda Initiative funding between the beginning of 2009 and the end of the 2011-2012 financial year is below. Information on other projects undertaken by the Kokoda Track Authority during this time would be held by the Kokoda Track Authority.

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<thead>
<tr>
<th>Year</th>
<th>Projects</th>
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<tbody>
<tr>
<td>2009</td>
<td>Organisational Support and Safety Projects</td>
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<td>Track Analysis</td>
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<td></td>
<td>Toilet Installation</td>
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<td>CVA Track Maintenance and Capacity Building</td>
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<td>Radio Maintenance</td>
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<td>2009/10</td>
<td>Commercial Operations Licence handbook</td>
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<td>2010</td>
<td>Sustainable Livelihoods Project</td>
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<td>Village workshops for Naoro 1, 2 and Isurava</td>
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<td></td>
<td>Pilot livelihoods projects in Naoro 1, 2 and Isurava</td>
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<td>Tourism Services Payment to Wards</td>
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<td>Organisational Support Project</td>
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<td>Ranger training</td>
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<td>Ranger exchange to Booderee</td>
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</table>
2. The ‘Krappers for Kokoda’ Project is not a Kokoda Initiative or Australian Government project. The Australian Government understands that the project is run by the Kokoda Track Foundation and cannot advise on any authorisation for the project by the Kokoda Track Authority.

3. No Australian Government funding has been provided to the Kokoda Track Authority to support the ‘Krappers for Kokoda’ Project under the Kokoda Initiative. The Australian Government cannot advise on other Kokoda Track Authority funding for the project.
4. The Australian Government is not involved in the ‘Krappers for Kokoda’ Project, which is the responsibility of the Kokoda Track Foundation, and cannot advise on the outcomes.

Kokoda Track
(Question No. 1949)

Senator Ronaldson asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, in writing, on 28 June 2012:

With reference to the Kokoda Track:
1. What was the cost of upgrading the Sogeri to Owers Corner road to all-weather capability.
2. What budget has been allocated to maintain the road between 2012 and 2013.
3. What is the budget for the upgrade of the Kokoda airstrip.
4. How much has been spent on the upgrade of the airstrip between 2009 and 2012.
5. Are there any plans to upgrade the airstrip to support a Dash-8 aircraft.
6. What was the cost of operating the Papua New Guinea Kokoda Track Authority office at Boroko between 2009 to 2012.
7. (a) How many Papua New Guinean personnel have visited Australia between 2009 to 2012; and (b) what was the purpose, cost and outcome of each visit.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:

1. Under the Kokoda Initiative Safety Package, Australian Government funding of $2,034,298 AUD was provided to the Kokoda Track Authority, a Special Purposes Authority of the Kokoda and Koiari Local-level Governments, to upgrade Owers’ Corner Road to all weather capability.
2. Under the Kokoda Initiative, Australian Government funding of $374,000 AUD has been allocated to maintain Owers’ Corner Road for the 2012-13 financial year.
3. Under the Kokoda Initiative, the budget for Australian Government funding for the Kokoda Initiative Safety Package activities, including improving the Kokoda airstrip, is $5.13m AUD.
4. Under the Kokoda Initiative Safety Package, Australian Government funding between 2009 and April 2012 to the Kokoda Track Authority of $723,211 AUD has been spent on activities to improve the Kokoda airstrip, and a further $22,279 AUD has been spent on delivering and installing airstrip safety equipment to the Kokoda airstrip and five other airstrips in the Kokoda region.
5. The Department of Sustainability, Environment, Water, Population and Communities (the department) is unaware of any plans to upgrade the airstrip to support Dash-8 aircraft.
6. Under the Kokoda Initiative, the total Australian Government funding provided by the department to the Kokoda Track Authority to support operating the Boroko office during the period 2009-2012 was $46,667.09 AUD. Any additional costs for operating the Boroko office during this period are the responsibility of the Kokoda Track Authority.
7. a. The department does not have information on all Papua New Guinean personnel who have visited Australia between 2009 to 2012.
   b. See answer to 7 a.

Kokoda Track
(Question No. 1950)

Senator Ronaldson asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, in writing, on 28 June 2012:
With reference to the Kokoda Track:

(1) What research was conducted to determine the need for massage services along the Kokoda Trail.

(2) (a) Who conducted the research; and (b) what were the results.

(3) Was the project put out to tender; if so, what process was undertaken.

(4) (a) Who is funding the project; and (b) what is the cost of the project.

(5) (a) How much is the provider being paid for the project; and (b) what are the Key Performance Indicators for the project.

(6) Has the provider been engaged on any other projects along the Kokoda Trail; if so, for each project: (a) what was the cost; (b) how much was the provider paid; and (c) what are the Key Performance Indicators.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:

1. The remedial massage skills training project resulted from community consultation and an associated trekker survey undertaken in July 2010 by the Papua New Guinea Kokoda Track Authority. The survey sought views from trekkers on the trekking experience and included questions around additional local business opportunities or products that could be offered to trekkers, including remedial massage.

2. a. Refer to the answer to question 1.

b. The survey indicated that 97 of 142 people would be interested in remedial massage if it was available along the Kokoda Track.

3. The Papua New Guinea Kokoda Track Authority was responsible for the procurement process for the remedial massage skills training project. According to the Authority, a Request for Quote process was undertaken and the contract was awarded to a provider who demonstrated the best value for money and had the necessary skills to undertake the training.

4. a. The Australian Government provided funding to the Papua New Guinea Kokoda Track Authority for Livelihoods activities as part of the Second Joint Understanding 2010-2015 between Papua New Guinea and Australian on the Owen Stanley Ranges, Brown River Catchment and Kokoda Track Region.

b. The Papua New Guinea Kokoda Track Authority advise that the cost of equipment and logistics support for the training was $5,823 AUD.

5. a. The training service provider undertook the training free of charge.

b. The Papua New Guinea Kokoda Track Authority advise that the key performance indicator for the project was that remedial massage is available in at least four villages along the Kokoda Track by June 2012.

6. The provider has not been engaged by the Australian Government Department of Sustainability, Environment, Water, Population and Communities on any projects under the Second Joint Understanding. Questions regarding the provider’s involvement in other projects along the Kokoda Track could be directed to AusAID or the Papua New Guinea Kokoda Track Authority.

a) See answer to 6, above.

b) See answer to 6, above.

c) See answer to 6, above.
Immigration and Citizenship
(Question No. 2093)

Senator Cash asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 22 August 2012:

With reference to the answers provided to question nos AE12/0251, AE12/0252, AE12/0255, taken on notice during the 2011-12 Additional estimates hearing of the Legal and Constitutional Affairs Legislation Committee, and question no. BE12/0296, taken on notice during the 2012-13 Budget estimates hearing of the same committee, and the inability of the department to provide the requested data:

(1) Why was data able to be provided in answer to question nos AE12/0251, AE12/0252, AE12/0255, and not in relation to question no. BE/0296.

(2) What changes have occurred to the department’s system that prevents data of this type from being provided or collated, and on what date did these changes take place.

(3) Who authorised this change in data collection and at what cost.

(4) What was the rationale or public policy imperative put forward in support of this change.

(5) In relation to the answer provided to question nos AE12/0251, AE12/0252, AE12/0255: (a) who collated the data provided; (b) how was it collated; and (c) what departmental system was used.

Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator’s question:

(1) The questions at Additional Estimates in February 2012 (AE12/0251, AE12/0252, AE12/0255), is different from the question asked in Budget Estimates in May 2012 (BE/0296). Information for answers to questions raised in Additional Estimates was available only for Indonesia following detailed analysis of entry interviews. The specific data required to answer question no. BE/0296 is not available due to incomplete or fragmented information provided by IMAs.

(2) No changes to the Department’s database have occurred.

(3) No changes to the Department’s data collection have occurred.

(4) No changes have occurred.

(5) The responses to question nos. AE12/0251, AE12/0252, AE12/0255 were provided from information collated from a database administered by the Immigration Intelligence Branch.

Employment and Workplace Relations
(Question No. 2095)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, in writing, on 23 August 2012:

With reference to the answer provided to question no. EW0048_13, taken on notice during the 2012-13 Budget estimates hearing of the Education, Employment and Workplace Relations Legislation Committee: (1) Can a breakdown be provided of each ‘share’, including who is responsible and the value of each, in relation to the cost of wage increases. (2) What percentage will the Commonwealth fund.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The social and community services (SACS) sector is funded, on average, 30 per cent by the Commonwealth, 30 per cent by states/territories and 40 per cent from the sector’s own resources – noting these proportions vary across providers and programs and states and territories.
In November 2011, the Prime Minister committed the Government to pay the Commonwealth’s share of any wage increases awarded as a result of an equal remuneration order by Fair Work Australia, and the equal remuneration decision of the Queensland Industrial Relations Commission in 2009 relating to certain SACS workers in Queensland as applying from 1 December 2012. The Prime Minister announced on 15 July 2012 that the Commonwealth’s share of the wage increases equates to around $3 billion to June 2021.

The Commonwealth will be providing supplementation to providers that are funded to deliver Commonwealth funded social and community services programs that have been assessed as in-scope of the equal remuneration decisions. Supplementation will also extend to those providers that receive Commonwealth funding indirectly through the state and territory governments.

**Employment and Workplace Relations**

**(Question No. 2099)**

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 23 August 2012:

With reference to the answer provided to question no. EW0277_13, taken on notice during the 2012-13 Budget estimates hearing of the Education, Employment and Workplace Relations Legislation Committee, can details be provided of all other advice provided by the department, including: (a) the date; (b) the nature of the advice, for example, legal or departmental; (c) who provided the advice; and (d) to whom it was addressed.

**Senator Wong:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

The Department provided ongoing legal and other advice in relation to the Federal Court proceedings from 27 March 2012. It is not practical to identify each occasion on which such advice was provided and it would unreasonably divert departmental resources to provide such further particulars.

**Agriculture, Fisheries and Forestry**

**(Question No. 2110)**

**Senator Edwards** asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 23 August 2012:

1. What are the proposed benefits.
2. What are the benefits of unity of policy, alignment of strategy and policy integration.
3. Have estimates been conducted on the potential savings from the proposal.
4. What are the anticipated changes to staffing numbers.
5. What areas of duplication currently exist between the two organisations and what is the cost of this.
6. Given that the proposal does not seek to change the level or structure of levy payments, is it the best way forward.
7. How can it be ensured that funds currently dedicated to research and development and market development and access are quarantined for those purposes within the new unified organisation.
8. Does the Minister have any objections to the proposal.

**Senator Ludwig:** The answer to the senator’s question is as follows:

On 8 December 2011, I received a letter from the chairs of the Winemakers’ Federation of Australia (WFA) and the Wine Grape Growers Australia (WGGA) which sought my support to merge the Wine
Australia Corporation and the Grape and Wine Research and Development Corporation (GWRDC) into a single statutory organisation.

In my response, I agreed to WFA and WGGA undertaking further investigation into this proposal, including a consultation process to ascertain levels of support or opposition from levy payers.

On 21 August 2012, WFA and WGGA provided me with a formal submission recommending a merger. I have asked the Department of Agriculture, Fisheries and Forestry to analyse the proposal before the government considers whether it should support the merger.

For further reference, WFA has published the formal submission on its website at http://www.wfa.org.au and WGGA advised the department on 6 September 2012 that it will also be made available on the WGGA website at www.wgga.com.au.

Agriculture, Fisheries and Forestry
(Question No. 2111)

Senator Edwards asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 23 August 2012:

With reference to the aerial dingo baiting trial being conducted to reduce dingo populations below the Dog Fence in the South Australian Arid Lands region:

(1) What changes have occurred in the region to require an aerial baiting trial.

(2) How much has been allocated in funding from Australian Wool Innovation Limited, and what are the: (a) conditions for the funding; and (b) deliverables.

(3) How many dingoes are anticipated to be baited.

(4) What are the identified causes for the increased dingo population.

(5) Has any research been conducted on the link between camels that have been shot and left to rot, and dingo feeding habits.

(6) What percentage of other animals or birds are likely to be inadvertently baited in the trial.

Senator Ludwig: The answer to the senator’s question is as follows:

(1) The number of dingos/wild dogs inside the South Australian Dog Fence has gradually increased over the past few years, as it has in rangeland ‘sheep zones’ in other states. This has occurred for several reasons:

- exceptional rains over the past three years have promoted high prey numbers resulting in increased breeding and survival of dingos/wild dogs;
- a lessening of control by some landholders, associated with a reduction in the number of properties running sheep inside the fence. A general decline in available labour on properties is further compromising the ability of landholders to undertake high level dingo/wild dog control; and
- some dingos/wild dogs also survive and breed inside the Dog Fence – there are inevitable, isolated, temporary occurrences of damage to the Dog Fence through which dingos can occasionally pass.

(2) Advice from Australian Wool Innovation Limited is that $163 000 has been invested in dingo/wild dog control below the Dog Fence in the South Australian Arid Lands region. This funding has been for:

- A grower consultation, participatory planning, approval and participatory implementation process for an aerial baiting pilot trial program for dingos in otherwise inaccessible areas south of the Dog Fence, ($88 000); and
- A ground baiting planning process in the Gawler Ranges south of the Dog Fence ($25 000); and
- purchase of a range of dingo control tools for deployment by local groups south of the Dog Fence ($50,000).

  (3) No targets for “dingos baited” were set for the trial.

  (4) Refer to the response to Q(1).

  (5) No.

  (6) Research to date suggests that wild dog baits do not pose a significant threat to any off-target wildlife populations in the region.

  The high sensitivity of wild dogs to the toxin, in comparison with native carnivores, means that baits can be prepared that carry a toxin dose too low to be toxic to native animals of the region and are also too large to be taken by the native animals. The toxin does not bioaccumulate and sub-lethal doses are excreted within 24 hours. The risk of off-target impacts is thereby minimised.

**Housing**

(Question No. 2117)

Senator Payne asked the Minister representing the Treasurer, upon notice, on 24 August 2012:

Can details be provided on departmental and administered funds provided for matters pertaining to housing, including the: (a) number and level of allocated staff; and (b) departmental structure down to section level.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

Treasury does not have responsibility for administration of any housing programs.

Treasury currently has an average staffing level (ASL, including full-time and part-time staff) of: 3.8 Executive Level 2 staff members, 2.5 Executive Level 1 staff members, and 1 APS 5 staff member allocated to look at housing issues. This includes provision by Treasury of secretariat support as required for the National Housing Supply Council.

In terms of Departmental structure, the Cities, Housing and Planning Unit, and the National Housing Supply Council Unit both operate within the Infrastructure Division.

**Employment and Workplace Relations**

(Question No. 2135)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 5 September 2012:

With reference to the answer to question no. EW0306 13, taken on notice during the 2012–13 Budget estimates hearing of the Education, Employment and Workplace Relations Legislation Committee:

(1) Can the exact date be provided.

(2) Can the Minister advise who came up with the idea and why.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable Senator’s question:

(1) The Department was requested by the then Minister’s Office to provide advice in relation to possible amendments to the Bill on 17 October 2011.

(2) The Government consulted with a number of stakeholders on possible amendments to the Bill. Details of those consultations remain a matter between the Government and the stakeholders.
Employment and Workplace Relations  
(Question No. 2136)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 5 September 2012:

With reference to the Office of the Fair Work Building Industry Inspectorate Contract Notice CN769731:

(1) What is the name and title of each individual who received media training.
(2) Why was media training required.
(3) Who authorised the training.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the Honourable Senator’s question:

(1)
Leigh Johns – Chief Executive
Brian Corney – Chief Counsel
Madeleine Jones – State Director - WA
Ian Wolsoncroft – A/g Team Leader - WA
Michelle Cozadinos – State Director - VIC
Mark Temple – State Director - SA
Neale Smith – A/g State Director - QLD
Chanelle Pearson – Media Adviser
Cameron Jackson – Media Adviser
Jessica Kendall – Senior Adviser Stakeholder Engagement
Simon O’Dea – Senior Adviser Stakeholder Engagement

(2)
FWBC staff regularly deliver presentations to industry stakeholders, and answer questions from building industry participants.

This training was required to ensure staff confidently manage presentations and meetings in a manner that delivers clear, correct and consistent information to their audience.

(3)
Glyn Cryer, Executive Director, Industry & Public Affairs