INTERNET
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Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

For searching purposes use
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SITTING DAYS—2011

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

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For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-THIRD PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Senators Thomas Mark Bishop, Suzanne Kay Boyce, Helen Lloyd Coonan, Patricia Margaret Crossin, Mary Jo Fisher, David Julian Fawcett, Helen Evelyn Kroger, Scott Ludlam, Gavin Mark Marshall, Claire Mary Moore and Louise Clare Pratt

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

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

Printed by authority of the Senate
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<th>Senator</th>
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(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

**PARTY ABBREVIATIONS**

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

**Heads of Parliamentary Departments**

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

Minister for the Arts
Hon. Simon Crean MP
Minister for Social Inclusion
Hon. Tanya Plibersek MP
Minister for Privacy and Freedom of Information
Hon. Brendan O'Connor MP
Minister for Sport
Senator Hon. Mark Arbib
Special Minister of State for the Public Service and Integrity
Hon. Bill Shorten MP
Assistant Treasurer and Minister for Financial Services and Superannuation
Minister for Employment Participation and Childcare
Hon. Kate Ellis MP
Minister for Indigenous Employment and Economic Development
Senator Hon. Mark Arbib
Minister for Veterans' Affairs and Minister for Defence Science and Personnel
Hon. Warren Snowdon MP
Minister for Defence Materiel
Hon. Jason Clare MP
Minister for Indigenous Health
Hon. Warren Snowdon MP
Minister for Mental Health and Ageing
Hon. Mark Butler MP
Minister for the Status of Women
Hon. Kate Ellis MP
Minister for Social Housing and Homelessness
Senator Hon. Mark Arbib
Special Minister of State
Hon. Gary Gray AO, MP
Minister for Small Business
Senator Hon. Nick Sherry
Minister for Home Affairs and Minister for Justice
Hon. Brendan O'Connor MP
Minister for Human Services
Hon. Tanya Plibersek MP
Cabinet Secretary
Hon. Mark Dreyfus QC, MP
Parliamentary Secretary to the Prime Minister
Senator Hon. Kate Lundy
Parliamentary Secretary to the Treasurer
Hon. David Bradbury MP
Parliamentary Secretary for School Education and Workplace Relations
Senator Hon. Jacinta Collins
Minister Assisting the Prime Minister on Digital Productivity
Senator Hon. Stephen Conroy
Parliamentary Secretary for Trade
Hon. Justine Elliot MP
Parliamentary Secretary for Pacific Island Affairs
Hon. Richard Marles MP
Parliamentary Secretary for Defence
Senator Hon. David Feeney
Parliamentary Secretary for Immigration and Multicultural Affairs
Senator Hon. Kate Lundy
Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing
Hon. Catherine King MP
Parliamentary Secretary for Disabilities and Carers
Senator Hon. Jan McLucas
Parliamentary Secretary for Community Services
Hon. Julie Collins MP
Parliamentary Secretary for Sustainability and Urban Water
Senator Hon. Don Farrell
Minister Assisting on Deregulation and Public Sector Superannuation
Senator Hon. Nick Sherry
Minister Assisting the Attorney-General on Queensland Floods Recovery
Senator Hon. Joe Ludwig
Parliamentary Secretary for Agriculture, Fisheries and Forestry
Hon. Dr Mike Kelly AM, MP
Minister Assisting the Minister for Tourism
Senator Hon. Nick Sherry
Parliamentary Secretary for Climate Change and Energy Efficiency
Hon. Mark Dreyfus QC, MP
SHADOW MINISTRY

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

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

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

Shadow Minister for Employment Participation
Hon. Sussan Ley MP

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

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

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

Shadow Minister for Universities and Research
Senator Hon. Brett Mason

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

Shadow Minister for Indigenous Development and Employment
Senator Marise Payne

Shadow Minister for Regional Development
Hon. Bob Baldwin MP

Shadow Special Minister of State
Hon. Bronwyn Bishop MP

Shadow Minister for COAG
Senator Marise Payne

Shadow Minister for Tourism
Hon. Bob Baldwin MP

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

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

Shadow Minister for Regional Communications
Mr Luke Hartsuyker MP

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

Shadow Minister for Seniors
Hon. Bronwyn Bishop MP

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

Shadow Minister for Housing
Senator Marise Payne

Chairman, Scrutiny of Government Waste Committee
Mr Jamie Briggs MP

Shadow Cabinet Secretary
Hon. Philip Ruddock MP

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

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

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

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

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

Shadow Parliamentary Secretary for Regional Education
Senator Fiona Nash

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

Shadow Parliamentary Secretary for Local Government
Mr Don Randall MP

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

Shadow Parliamentary Secretary for Defence Materiel
Senator Gary Humphries

Shadow Parliamentary Secretary for the Defence Force and Defence Support
Senator Hon. Ian Macdonald
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Shadow Parliamentary Secretary for Primary Healthcare  Dr Andrew Southcott MP
Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health  Mr Andrew Laming MP
Shadow Parliamentary Secretary for Supporting Families  Senator Cory Bernardi
Shadow Parliamentary Secretary for the Status of Women  Senator Michaelia Cash
Shadow Parliamentary Secretary for Environment  Senator Simon Birmingham
Shadow Parliamentary Secretary for Citizenship and Settlement  Hon. Teresa Gambaro MP
Shadow Parliamentary Secretary for Immigration  Senator Michaelia Cash
Shadow Parliamentary Secretary for Innovation, Industry, and Science  Senator Hon. Richard Colbeck
Shadow Parliamentary Secretary for Fisheries and Forestry  Senator Hon. Richard Colbeck
Shadow Parliamentary Secretary for Small Business and Fair Competition  Senator Scott Ryan
WEDNESDAY, 17 AUGUST 2011

Chamber

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Wednesday, 17 August 2011

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

BILLS
Carbon Credits (Carbon Farming Initiative) Bill 2011
Carbon Credits (Consequential Amendments) Bill 2011
Australian National Registry of Emissions Units Bill 2011

In Committee
Debate resumed.

CARBON CREDITS (CARBON FARMING INITIATIVE) BILL 2011

The CHAIRMAN: We are dealing with government amendment (1).

Senator BIRMINGHAM (South Australia) (09:31): I spoke to government amendment (1) yesterday and indicated the coalition's support for it. It is, as I indicated at that time, similar or almost identical to an amendment the coalition was also proposing. This is an amendment strongly advocated by the National Farmers Federation that we have championed and that we are very pleased that the government has agreed to pick up and include. Our support for this amendment is clear and strong.

I equally highlighted yesterday that the government tabled this amendment back when the Carbon Credits (Carbon Farming Initiative) Bill 2011 and related bills were being debated in the first week of July sittings, so the government's intention to make this amendment has been known for some time. The government, of course, has known that this amendment would pass, because it is the same amendment as the one the opposition was proposing. The government has known that the numbers were always here for this amendment to pass and therefore has known for quite a few weeks that this addition to clause 56 of the additional part (e), 'land access for agricultural production', as a consideration for the so-called negative list would pass and would become part of this bill.

Given that, I asked the Minister for Agriculture, Fisheries and Forestry, noting the draft regulations for the so-called negative list that he tabled in this place yesterday—and he did not have a chance to respond at that time—what steps the government has taken to ensure that this new section for the development of these regulations has been taken into account and how and where such protection of farmland, as proposed by this new part (e), is reflected in the draft regulations the minister has tabled. I would appreciate it if he were able to inform the Senate accordingly.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (09:34): Clearly the obvious answer is that once the bill passes it will be able to be used as part of the positive list. The simple answer is that as soon as we can pass the bill—as soon as we can get the Carbon Farming Initiative up and running, out there in the public domain—then people can access the positive list, people can bring forward their methodologies and provide opportunities for sequestered carbon, and an income stream can be given to farmers.

Senator BIRMINGHAM (South Australia) (09:34): These regulations, which were tabled yesterday, do set out the terms for the eligible offsets projects, the additionality test and the types of projects. Within that, they provide for what has
become known as the negative list. However, the amendment we are considering is to clause 56—to the excluded offsets projects—and will add another term of reference as such for how we might consider what the negative risks or negative impacts of certain kinds of projects would be. As I see it, these draft regulations have been developed looking at the terms of clause 56(2) as it exists in this bill to date, with part (a) being the availability of water, (b) being the conservation of biodiversity, (c) being employment factors and (d) being the impact on the local community. Those four things are, to varying degrees, considered and captured in the draft regulations as to how excluded offsets projects would be taken into account. This part (e), of course, is not in the printed bill, but the government has known for a long period of time now that it would become part of the bill and, should the bill pass into law, become part of the act. So, whilst I understand the minister saying that it becomes a factor, in a sense, for the reverse consideration of eligible projects on the positive list, this of course is a section detailing the excluded projects and the process by which the negative list is constructed. So I again ask the minister: for the purposes of these regulations—which, presumably, your departmental officers have been working on throughout the last five weeks of the recess period; we presume that because we only got to see them yesterday morning—what consideration has been given in their development to this proposed new section (e) around land access for agricultural production? And, if you can point me to it in these draft regulations, how is that reflected in the draft that is before us? Because, frankly, I cannot see that any consideration has been given to date.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (09:38): That is the purpose of the draft regulations—they can raise them. I am sure you can have an input into it as well, and maybe use your opportunity here more constructively.

This is about ensuring that we can consult with the community and include their views in the process. It is always open to view it as an additional criterion which will impact on matters listed, so it is an opportunity. We have already had 59 submissions on the discussion paper that strongly supported this position. The provision will be there, if we pass this—and the sooner we can get it passed, the sooner we can provide the landholders out there with an opportunity, and of course they can consult on the draft regulations.

Senator BIRMINGHAM (South Australia) (09:38): Aside from the backhanded swipe at me and the process, I think the minister's answer there was: no, it is not reflected in the draft regulations, it is not something we have given any consideration to over the five weeks since we have known that we would be making this amendment to the bill, and so it is just not in here. But that is of course quite typical of the whole process as to how this legislation has been developed. The minister even came in here yesterday and proudly produced his draft regulations and sort of said, 'Okay, there you go: you've being saying you want these, you've being saying that because so much of the operation of this bill hinges on the regulations, we're now going to give you the regulations.' But what we find is that the regulations have not fully considered all that is going to be in the bill, that the regulations are still, in that sense, very much a draft rather than something that has been developed in tandem with the bill, in a
manner such that the entire operation of this legislation can be seen in a transparent way.

It is just so typical of the ad hoc manner in which this government chooses to develop all of its policies, frankly, in this area. We have seen the many different policy disasters in the ways in which this government has attempted to go about emissions reductions or carbon abatement activities—many different policy disasters, all of them because things are so poorly thought through, so poorly structured, that the process applied by this government is just so very terrible with regard to all of these areas. And yet here we go again.

The reason that the opposition are subjecting this to close scrutiny, the reason we have called from day one to have all the complementary regulations that sit alongside this legislation in place, is that we do not want to see the same mistakes happen again. We do not want to see these types of errors happen again, because the implications of that with regard to this legislation are very serious. They are very serious to Australia's farm base, our agricultural productive base, and all of these issues should be thoroughly sorted and determined before we get to the point of finalising this legislation.

The government seems to be all too happy to continue to take an ad hoc approach to all of the different bills, policies and pieces of legislation it applies with regard to emissions reduction and carbon abatement. We have seen an ad hoc approach from the government on its alleged big-picture policy, its on-again off-again support for carbon taxes or an ETS. We have seen the government, as we have extensively debated—and will continue to extensively debate—run away from its crystal clear election commitments on not pricing carbon, on not having a tax on carbon. We have seen the government, when it has attempted to apply other policies, be they in the home insulation sphere, be they in the renewable energy sphere, create all sorts of consequences along the way.

If we look at the renewable energy target as a classic example, another major piece of legislation—a piece of legislation that attempts to provide a pathway for Australia to develop a stronger renewable energy sector in this country—what do we have from that at present? We have had a roller-coaster ride for the price of renewable energy certificates. We have a clearing house that is just dysfunctional and not working, because of course the clearing-house price is set way above the price that is in operation in the market for renewable energy certificates at present. As a result, many people who expected that the clearing-house price would be a floor price, not a ceiling price, as it is basically operating, are finding that their investments in this space are under enormous pressure. All of this is, of course, because the government cannot manage to get its sums right to start with, cannot manage to approach these policy areas having done all of the necessary work in advance and made sure that it all stacks up.

So, with this legislation, and the complementary regulations, we have genuine concerns that, if we simply sit back and allow the legislation to pass through as the government intends it to pass through, what are we going to have at the end of that? The risk is that we are going to still have too much of a blank cheque, too much of an open slather that depends on how these regulations are finalised. In this regard we have an amendment, an amendment that enjoys bipartisan support, an amendment that everybody agrees is very serious and an amendment that the minister himself concedes had widespread stakeholder support during their consultation process. It is an amendment that they chose to adopt nearly a couple of months ago and that we
have supported all along to ensure that when projects are put on the negative list, so when excluded offsets projects are considered, that one of the adverse impact factors that is considered is whether there is a risk of an adverse impact on land access for agricultural production. We all support that but, of course, they are just words in the bill. How that applies under the bill that the government is putting forward depends entirely on the regulations: how they are developed and how they operate. So it is not at all unreasonable to expect, if the government is going to wander in here and present us with some draft regulations, that surely there should be some consideration in these draft regulations of how this clause operates, otherwise these draft regulations are simply and only a temporary holding pattern measure that will have to be replaced by not a new final version but by a further draft version at some later stage that actually takes this into account. Or is the government proposing to simply put this in the legislation but ignore it in the regulations? Is that what we are looking at here? What is the status of this amendment for the government if they have been supporting it for so long? It is their amendment. They are the ones who have brought it before us. They knew they would enjoy our support all along. If they are serious about having this as a serious amendment to reflect the concerns of the NFF and others, why is it not reflected in any way in the regulations? The minister cannot draw our attention to anywhere where it is reflected, so why can't we manage to see proper, thoroughly drafted regulations that actually take into account this aspect as well? Yesterday I posed some other questions about these regs which the minister took on notice until we return to some amendments that Senator Xenophon has deferred for the time being. But in regard to this one there is a very simple issue of how the government, in its regulations, is going to enact this new clause that would see adverse impact on land access for agricultural production be one of the factors that could see a particular kind of project put on the negative list. How is that going to be reflected in these regulations? Minister, can you tell us what we should expect to see, what the high-jump bar will be and what in fact this clause will actually mean when it is applied to the regs that are so fundamental to the actual operation of this legislation?

Senator CORMANN (Western Australia) (09:48): I can see that the minister was resisting getting up and answering the very legitimate questions that were put by Senator Birmingham.

Senator LUDWIG: I thought you'd jumped up.

Senator CORMANN: Well, we were sitting back waiting for you to jump up and you seemed very reluctant to get yourself out of your chair, Minister.

Senator LUDWIG: I thought you'd jumped.

Senator CORMANN: I rise to endorse Senator Birmingham's comments. Senator Birmingham hit the nail on the head. This is a government that does not think things through. This is a government that has to pursue policy on the run because it does not think things through and it chops and changes, breaks promises and does not know what it is doing. This is a sensible amendment, but why is it an amendment? Why did the government not include this provision in the bill right upfront? Senator Birmingham very eloquently made the point that this is
not a new issue as this is an issue that was raised by stakeholders all the way through. This government is so blinded by ideology, is so incompetent and is so incapable of actually properly considering the issues that are raised with it legitimately by stakeholders that on occasions it has to mop up. To give the government credit, at least here it is trying to mop up its mistakes and it is trying to sort something out given that clearly there is a major deficiency in the legislation as introduced by the government.

Of course, land access for agricultural production should be one of the criteria that are considered and Senator Birmingham is quite right to be suspicious of this government given that it is pursuing this policy on the run and so there is no detail in the regulations that have been put forward by the minister. Clearly, it still does not quite know how to deal with this. And this is not an isolated incident. This is not an isolated case. Again and again this government does not think things through, is driven by ideology and is cutting corners and, ultimately, is forced to chop and change and pursue policy on the run when the error of its ways become too obvious. If only the government were prepared to see the error of its ways in relation to the carbon tax, which is part of the broader policy agenda that the Carbon Credits (Carbon Farming Initiative) Bill 2011 is part of.

We are here looking at the excluded offsets projects and what criteria should be considered in deciding whether to recommend to the Governor-General that regulations should be made to specify a particular kind of project 'that the minister must have regard to', as I am reading in the bill, and whether there is a significant risk that kind of project will have a significant adverse impact 'on one or more of the following'. One of the criteria to be part of the excluded offsets projects, according to this amendment, will be land access for agricultural production. But there was another process that the government went through in the context of the carbon tax whereby they made decisions on the run to exclude certain things—or so we were told. You might remember that there was a thing called the Multi-Party Climate Change Committee. Before the last election we were promised that there would be a citizens assembly with 150 people—which we all thought was the House of Representatives! But, no, the Prime Minister had a different view. The Prime Minister thought there was going to be a citizens assembly which was going to build a consensus around the nation on climate change. The Prime Minister was not going to pursue a price on carbon until and unless there was a consensus across the Australian community to put a price on carbon. Chair, I put it to you that this country is more divided than it ever has been. This Prime Minister is a divisive Prime Minister. The way this Prime Minister has pursued this process through this so-called Multi-Party Climate Change Committee has divided our nation. We have got the broken promise, the promise given five days before the last election, that there will be 'no carbon tax under the government I lead'. There was a promise that she would do what she could as the leader of this nation to build a community consensus. Of course, none of this has happened. What we have had though—and I am looking at it now—is a press release put out by one of the members of the Multi-Party Climate Change Committee on, the federal member for New England, Tony Windsor. I will quote from the press release that he put out on 10 July 2011. He said that fuel would be 'excluded from the carbon tax'. So there is another exclusion. There are a couple of other quotes that I think are quite worthwhile sharing with the chamber, such as:
The decision to exclude fuel from the carbon tax has been welcomed by the Independent member for New England, Tony Windsor.

Further:
Several months ago I stated publicly that I wouldn't support a carbon tax if it allied applied to transport fuels.

And then:
A price of $23 per tonne of carbon, if applied to fuel, would equate to a price rise of around 6 cents a litre.

That is right. It is actually 6.21c a litre. And this is the absolutely critical one:

That's why I decided I wouldn't support a carbon tax if it applied to fuel.

The news flash is: the carbon tax does apply to fuel. And it does not only apply to fuel from 1 July 2014, the carbon tax will also apply to fuel from 1 July 2012. Don't take my word for it. That is the evidence that the Secretary of the Department of Climate Change and Energy Efficiency put to the Senate Select Committee on the Scrutiny of New Taxes last Wednesday.

Again, it is worthwhile going through some of the Hansard record in relation to that. I asked the secretary:

I would like to refer you to the exposure draft of the Fuel Tax Legislation Amendment (Clean Energy) Bill 2011—

which is another one of these bills that relates to the broader action on climate change agenda put forward by this government, in a very bad way in our view—and specifically clause 43(8). This is a clause to impose a carbon price on fuel through a reduction in the fuel tax credit, correct?

Mr Comley: This is on page 5?

CHAIR: That is right.

Then he said he had the bill in front of him, which is good.

CHAIR: I am looking at the exposure draft, page 5, 43(8), 'working out the amount of carbon reduction'. This clause effectively imposes a carbon price on fuel through a reduction in the fuel tax credit, does it not?

Mr Comley: That is correct.

So the government is actually imposing a price on carbon, what we would call a carbon tax, from 1 July 2012 on fuel. When Mr Windsor in his press release on 10 July said that he has decided he would not support a carbon tax if it applied to fuel, the coalition calls on him to be true to his word, because there will be carbon tax on fuel from 1 July 2012. Who knows? This might be another occasion, as with this amendment that we are discussing now, where the government might make policy on the run and might decide that, yes, it did make a commitment to the member for New England to exclude the carbon tax on fuel. If that is so, then that particular provision is no doubt going to disappear from that legislation as well—the same way the government is adding an amendment here to the Carbon Credits (Carbon Farming Initiative) Bill 2011. No doubt there will be an amendment to the carbon tax. I certainly, along with Senator Williams, who is on the scrutiny of new taxes committee, am very keen to see Tony Windsor, the member for New England, call on the government to amend its carbon tax legislation to ensure that all fuel is excluded, because he said he would not vote for it unless all fuel was excluded. So we will see whether that is happening.

Just to conclude the evidence that was quite relevant from Mr Comley, the Secretary of the Department Climate Change and Energy Efficiency. I asked him:

Doesn't this mean that recipients of the fuel tax rebate are paying a carbon price from the word go by the wording of your own legislation?

Mr Comley: It certainly means that they are having a reduction in their credit linked to the carbon price, yes.

CHAIR: From day 1, as of 1 July 2012 under your exposure draft?
Mr Comley: Yes, that is correct.

So there are no ifs, no buts, no question marks: the government is planning to impose a carbon tax on fuel from 1 July 2012 and on all transport fuels from 1 July 2014. However much anybody wants to wriggle around it and say, 'By then the government will have lost the election and a new Abbott coalition government won't allow that to happen anyway,' the current government has $510 million in their forward estimates, courtesy of revenue to be collected from truckies around Australia.

The government's whole approach to climate change is a farce. It is a complete fraud. They are wanting to make people believe that they can actually do something about reducing global greenhouse gas emissions when they are not even trying. Before the government's most recent modelling came out, I actually thought that they would be able to reduce emissions domestically but I thought they were reducing emissions domestically in a way that would then increase emissions by more in other parts of the world. What has turned out to be the case is that they are not even trying to reduce emissions domestically. This government is not even in a position through their carbon tax, which will push up the cost of everything, which will make Australia less competitive internationally, which will cost jobs, which will hurt small business, to reduce emissions domestically, with emissions, according to the government's own figures, expected to go up from about 578 million tonnes of CO₂ in 2009-10 to about 621 million tonnes of CO₂ in 2020.

The government then says: ‘You can't look at it that way. Emissions are going to go up, sure, but you have got to compare them to the business-as-usual scenario. They're going to be lower than what they would have been.' Okay. So, even though they are going up, you are saying they are going down because they are going to be lower than what they would have been. What about jobs? Jobs are going up but, hang on, jobs are going to be lower than they would have been. So, according to your logic, jobs are going down. If you say emissions are going down because they are lower than they would have been, then, if jobs are going to be lower than they would have been, presumably jobs are going down. But no, jobs are going up. So why are jobs going up? Because if you compare where we are today to where we are going to be in 2020, there are going to be more jobs in 2020 than there are in 2011. Sure, the population will continue to grow so it will be very sad if we did not have more people in employment in 2020. But, here you are, you have a government that wants to have it both ways.

It wants us to look at what the situation would have been in relation to emissions, but it wants us to compare where we start now and where we will be in 2020 in the job situation. The truth of the matter is that the carbon tax will cost jobs and it will put downward pressure on wages. It will result in lower real wages.

I talked about China yesterday and I did not quite get to the end of what I was trying to get across. Just in the last three years, Treasury's expectations as to what would happen—

Senator Milne: Mr Chair, I rise on point of order and refer to standing order 144(5): In committee senators may speak more than once to the same question, and, when a question has been proposed from the chair, shall confine themselves to that question.

The question before the chair is the government's amendment. Unless Senator Cormann is referring to the Chinese buying up land in Australia and wants to take action on that, I cannot see how it is relevant to the government's amendment.
The CHAIRMAN: Thank you, Senator Milne. Senator Cormann, I draw your attention to the question before the chair and ask you to continue.

Senator CORMANN: Thank you, Chair. It is very much related because all of these measures are completely about Australia's efforts to help reduce global greenhouse gas emissions. They are about what we do in Australia in deciding whether or not land access for agricultural production is part of the criteria to pursue carbon farming initiatives under this legislation and whether these will have an impact on our contribution as part of the global community to try to address global greenhouse gas emissions. We have to put our efforts under this legislation, and under the carbon tax, into the context of what our trade partners and competitors in other parts of the world do. I draw your attention, Chair, to the fact that in China emissions will go up from about 10.3 billion tonnes now to about 17.9 billion tonnes of CO₂ in 2020 according to the government's own Clean Energy Future modelling. That is an increase of 7.6 billion tonnes, which is more than 10 times the amount of annual emissions that we put out here in Australia.

The figure that really struck me was that back in 2008, when the government did this really comprehensive modelling on the Carbon Pollution Reduction Scheme, Treasury thought that China by 2020 would put out 16.1 billion tonnes of CO₂ emissions. Just in the last three years, the government's expectations of how much CO₂ emissions will be put out by China have gone up by 1.8 billion tonnes. Just the variation is more than three times as much as Australia puts out in a year.

Amendments like this one that we are talking about now are quite important, but we always have to put in context what our efforts here in Australia can do and put those into the context of what is happening currently in China. The government often talks about emissions intensity. I make the point very quickly in the short time that I have remaining: emissions intensity in Australia is lower than it is in China. It was 0.8 kilograms of CO₂ per year per US$ of production in 2005 when it was 1.38 in China. In 2010 it was 0.66 in Australia and it was 1.06 in China. (Time expired)

Senator COLBECK (Tasmania) (10:04): As has been indicated by previous speakers on this motion, the coalition is proposing a very similar amendment in relation to the protection of agricultural land. I have to say I am quite confused as to where the government really sits on this matter. We have seen a decision made by government in the last fortnight which places enormous pressure on the availability of agricultural land in Tasmania from forestry.

When the Prime Minister and the Premier of Tasmania signed the intergovernmental agreement on forests in Tasmania, based on the statement of principles processes that have been negotiated between the forest industry and environmental groups over the last 12 months or so, one of the elements of that process was effectively to move the industry out of native forests—out of our forest estate—and into a plantation regime. That plantation regime does not exist at the moment and the calculation that has been made, and widely accepted as part of that process, is that you will need an extra 100,000 hectares of plantations in Tasmania to replace the lost forests that are proposed to be locked up, or claimed for lockup, by the environmental groups.

I am trying to get a sense of consistency of policy from a government perspective. It does one thing under this initiative, and the coalition agrees with that.
Birmingham has said, we had an amendment to the bill to do exactly the same things with slightly different wording but the same effect. But here we have the government making an agreement with the Tasmanian government that, if it is put into effect, is effectively going to take up to 10 per cent of Tasmania's prime agricultural land for forestry.

Where is the consistency in the approach that the government is taking in these matters? It says it wants to protect agricultural land, yet its actual policy actions, the decisions that it makes, are completely contrary to that. As I said, these plantations do not exist. There are some in the environmental movement who claim that we can just magically change the management regime in our existing plantations and suddenly make them usable for solid timber. That is patently absurd. I do not know whether they are just being mischievous, whether they do not understand forestry or whether they are just trying to push a barrow. I do not know the answer to that. Let us be charitable and say, 'They just don't understand it.' But those who do understand it have said quite clearly, 'The lockup of these Tasmanian forests will require up to 100,000 hectares of Tasmanian agricultural land if the industry is to have some form of equivalence.' Of course, we know that there are some who want to go further; they want to lock up all of Tasmania's agricultural land.

If we are going to do that, we need to transition to a sawlog product that comes from a plantation base. We all understand that that will be required, but the reality is that that estate does not exist. The foundation research work for that has not been done. The species in Tasmania have not been properly identified. The methodologies are still being worked on. Some research is occurring but not enough has occurred yet. Where is the consistency in the government's policy? On the one hand they say, 'Yes, we would like to look after agricultural land; we would like to support prime agricultural land,' as they are saying through this amendment. The reality of what they are doing is the inverse.

Through the intergovernmental agreement that the Prime Minister signed a week and a half ago, the government are in effect condemning 10 per cent of Tasmania's agricultural land to plantation use. I really struggle to understand where the consistency is in all that. The minister has completely vacated the ground on this. The Minister for Sustainability, Environment, Water, Population and Communities has taken over the negotiations in Tasmania, with the Prime Minister. The Minister for Agriculture, Fisheries and Forestry is playing no part in this that I can see, not visibly anyway. All of the work that is occurring is being done through the minister for the environment. Even then, there is no consistency. I would like to see consistent policy developed here.

For all the reasons colleagues discussed this morning, we all know that there is a strong basis for a managed regime in our native forests. It will provide for the long-term storage of carbon. If it is scaled at the right scale, it will have an absolutely negligible impact on our carbon stocks over time. And you need to recognise the carbon that is stored in solid timber products. I have referred before in this place to our magnificent surroundings here. The desk at the centre of this chamber is in fact a carbon sink. The carbon locked up in that stays there for the life of that product. I spoke to Gerry Harvey a couple of weeks ago and he had bought the propaganda peddled by some in the environmental movement that when you cut down a tree all its carbon expires to the atmosphere. He did not know that every piece of timber furniture that he sells is in fact a carbon sink. He has been put under
enormous pressure from people in the environmental movement who are running a direct campaign against our forest industries—a dishonest campaign, I have to say—to not use native forests and to not use any native forest timbers out of Tasmania. That very campaign provides a direct threat to this amendment, to this legislation.

A number of forest scientists that I have spoken to have confirmed that the requirement is 100,000 hectares. We are talking about a lonely tree concept in this circumstance. We are not talking about a plantation that might have 1,400 or 1,500 stems to the hectare; we are talking about a plantation in Tasmania that will have about 100 stems to the hectare so that you can get the right size over time. Those sorts of things will take up to 35 years to develop. Some in the environmental movement think that we can magically transform from a native forest regime in three to five years. I am not sure what sort of management regime they are talking about.

This direct action of the government is directly opposed to the intent of this particular government amendment. I would really like the minister to explain to me how that works. The coalition put up an amendment to do a very similar thing: to provide protection for prime agricultural land. There is enormous scope for putting native vegetation back into the landscape. The coalition have said that all along. We have supported the concept of enabling farmers to put vegetation back onto their farms, and, to a reasonable extent, without having a negative impact on their productivity. There is enormous capacity to do that.

Through this government's actions, it is placing 10 per cent of Tasmania's agricultural land at risk—and it is highly productive land—because it wants to appease its Green partners. It wants to stay in government both at a state level and at a federal level. So much of the policy that we are now seeing is being dictated by that arrangement and there is complete inconsistency in the government's approach. I would sincerely like the minister to explain that to me and explain how we are magically going to change the management regimes in forestry in Tasmania. I heard Dr Pullinger say on the radio last week that there are 300,000 hectares of plantations in Tasmania and that we need to change the management regime of those so that we can use them for timber. That is just complete garbage. That is patently wrong. We have done tests on the plantation estate in Tasmania. They have been grown for fibre. A species called *Eucalyptus nitens* was put in the ground and those trees have largely been managed for the production of fibre for woodchips. That is a specific purpose and we know that there is a market for that. There is a proposal, which I know both the government and the coalition support, for the development of a pulp mill in Tasmania to utilise that resource. So we both have the same objective in respect of that. Dr Pullinger completely forgets that a large proportion of those 300,000 hectares is owned by the proponent of the pulp mill to go into the pulp mill. He does not tell that to the community when he says that we should just magically change our regime of forest management into a sawn timber process. But what do we find when we have do the scientific work and test that product? Can we use it for a sawn product? We find that it has a 35 to 40 per cent internal checking rate. That means that it is not commercially viable as a sawn timber product. It has not been managed for that and it is not suitable for that. So you just cannot switch over in three to five years, as some have suggested, to a plantation estate through some magical change in management practices.
When you are going to grow trees in a plantation estate for the purposes of solid timber you plan that process from before the time you start. You plan your regime, you plant your trees to that regime and then, over the cycle, you will get the results. There is a lot of work to be done on that at the moment and yet here we have a government that is acting in a completely and utterly contradictory manner. It says that it wants to protect agricultural land through this amendment to the Carbon Credits (Carbon Farming Initiative) Bill but its real actions on the ground are doing exactly the opposite. I think that the government should be prepared to reconcile why it is doing that—although in the funding arrangement that the government has put together with the Tasmanian government there is absolutely nothing to encourage that shift to plantation, so I am not sure whether the government is just accepting that it will let the forest industry fall over in Tasmania. I am not sure if the government is accepting that or not. Where is this plantation resource going to come from and how is it going to be developed? If it is going to be developed it is going to take up to 100,000 hectares of agricultural land in Tasmania.

We have heard the government say a number of times, 'We are talking about developing evidence based policy.' My contention is that they are not even doing that. They say 'this is what we are going to do' but when they act they do something completely contradictory. We have heard a lot of times that you should watch what people do and not what they say, and here we have a government that have acted in a completely contradictory manner. They have devastated people in Tasmania with the concept that their fine timbers will be lost and that our craftspeople will lose access to the timbers. If you go to Salamanca market in Hobart on a Saturday morning there are stalls everywhere that use our fine Tasmanian timbers that come from our native forests. It is a huge tourist attraction. We are told that the tourist industry is going to be a substitute for our native forest sector, but here we are taking away a huge chunk of that. So the attitude of the government on this really needs to be considered very carefully.

As I have said, the coalition support the concept of protecting agricultural land, but we remain extremely concerned that the government are acting in an absolutely opposite fashion by threatening 10 per cent of Tasmania's agricultural land. In conjunction with the Greens, they want to lock away up to 572,000 hectares of our native forests which can be sustainably harvested and should be managed through a sustainable and properly scaled regime to produce those fine products. It will be very interesting to hear what the minister's response to that is.

Senator BIRMINGHAM (South Australia) (10:19): I note that Senator Colbeck concluded his remarks with an invitation for the minister to respond—

Senator Ludwig: It was not relevant to the bill.

Senator BIRMINGHAM: If the minister felt that, he could have stood up and said that rather than simply quietly ignoring what Senator Colbeck had to say.

Senator Ludwig: Senator Colbeck should know it for himself. It is not my place to educate him.

Senator Birmingham: Minister, if you want your bills to pass smoothly through the parliament it is your place to educate us, I am sorry to say. That is part of the process. You bring the proposal here to the chamber—
Senator Ludwig: It is a Greens amendment.

Senator BIRMINGHAM: It is your amendment; it is a government amendment.

Senator Ludwig: And you agreed to it. In fact, you put the same amendment up.

Senator BIRMINGHAM: Yes, except that you are now trying to tell me that it is a Greens amendment. It is certainly not a Greens amendment. When Senator Cormann took the call earlier, you suggested that you were going to respond to some of the issues that I had raised. I again invite you to respond to those, Minister—that is, how do you functionally and practically see this amendment operating in the regulations that you have put forward? The explanatory memorandum to the bill talks about how the excluded projects or the negative list system will work. It highlights the four original adverse impact areas. We are now planning to include a fifth, and that has been planned to be done for some time. Part 1.27 of the explanatory memorandum says:

These impacts may be in, or in the vicinity of, the project area, or any of the project areas, for that kind of project … The intention is that vicinity may be interpreted broadly, including water resource availability in associated catchments.

So how are 'vicinity' and 'adverse impact on land access for agricultural production' going to be defined? In the regulations we have been presented with some definitions for 'adverse impact on the availability of water', and there is a threshold level of 600 millilitres of annual rainfall and a whole lot of terms about how that operates and waivers and so on. They are all there for good debate, good analysis and good consideration by interested stakeholders. The question is, how will this new paragraph (e) in clause 56 of the bill, about land access for agricultural production, work? What will the thresholds for that be? How will that be defined in the regulations? Yes we think it should be done, but we want to have confidence that it is done well, that it is done right, that it is done effectively. If it is worth doing, it is worth making sure it is an effective amendment to the bill.

Minister, can you explain for the record how you expect these regulations to reflect this amendment? What will the threshold considerations for land access for agricultural production be for inclusion on the negative list of projects or kinds of projects? What will be taken into account? What will be the tipping point? How can Senator Williams for his constituency or Senator Nash, who has raised these issues before, for her constituency know with confidence that this new paragraph is going to protect prime agricultural land and ensure that it is not subject to projects that would see it taken out of agricultural production?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (10:24): I have waited because I just wanted to make sure that Senator Birmingham's filibustering attempts were exhausted as far as they could be before I responded to the two questions that he asked some hour ago, as I understand it. Everyone in the chamber agrees with this amendment. Why? It is a clarifying amendment. It is as simple as that. It makes plain the matters to be taken into account. Clearly, it is supported, and we should pass it as soon as possible.

I will cover this first question in a little more detail so that Senator Birmingham does not get up for another 15 minutes and filibuster on an agreed amendment that he also has a proposal for. Because it is a clarifying amendment in relation to the...
substantive legislation, the regulations will not change. That is plain—it is plain from your side, it is plain from our side and it is plain from the Greens' perspective. He has made much of that but I suspect it is just a case of filibustering. Senator Birmingham knows the answer; I have provided it to him. The reason he put up the amendment, the reason we put up the amendment, was to clarify it. It is as simple as that and he knows it.

The regulations are out there for consultation and community engagement. If Senator Birmingham wants to add his voice to that he certainly can, but I ask him to save some of his breath for the legislation currently before us. Some of the other speakers seem to have ranged quite widely outside the amendment. As the person responsible for the passage of the legislation, Senator Birmingham may have enjoyed listening to them and I am sure he may even have agreed with some of their filibustering attempts. Notwithstanding that, let us focus on the legislation and the amendment before us. By filibustering he is now preventing his own farming communities, his own supporters, from accessing the Carbon Farming Initiative. Let us look at the bigger picture. This is about ensuring that we do sequester carbon. I know he is fundamentally opposed to that but, notwithstanding that, he might be able to consider that some of those on his side do actually want this to pass so that farmers can sequester carbon and obtain an income stream.

In relation to Senator Birmingham's second question, the government is not saying through this amendment that there can be no revegetation. In many areas revegetation will have no or limited impact on land for agricultural production, as he well knows.

Senator BIRMINGHAM (South Australia) (10:27): I cannot allow the minister's suggestion that we oppose carbon abatement to stand. The minister well knows that the coalition has long talked about—longer than the government, in fact—the great potential for soil carbon and for abatement through advances in soil carbon farming technologies. The minister well knows that they are issues that are being highlighted and that have stood consistently in the coalition's policy since it was released at the beginning of last year. They were also highlighted prior to that not just by our current leader but also by our former leader. Our consistency in supporting this concept is strong. Our consistency is shown in a policy document that has stood from the beginning of last year.

During that time the government has moved all over the place in relation to how it wants to tackle climate change issues. At the time we released our policy document outlining our support for the concept of soil carbon—this is like a trip down memory lane—Kevin Rudd was Prime Minister of this country, the government was arguing for an emissions trading scheme and we outlined an alternative way forward. As the weeks turned into months, at some stage Ms Gillard managed to roll Mr Rudd on the emissions trading scheme and knock that out, and so you no longer had a policy supporting an emissions trading scheme.

Senator Milne: On a point of order, Mr Temporary Chairman: again, I draw the chair's attention to standing order 144(5). There is a question before the chair. It is the government's amendment agreed by the coalition and the Greens. I would ask that the current contributor confine himself to the question before the chair.

Senator Colbeck: On the point of order, Mr Temporary Chairman: Senator
Birmingham is clearly being relevant to this debate. He is actually responding to a point made by the minister and is contributing to what is generally accepted, during the committee stage, as a wide-ranging debate. Senator Birmingham has been quite specific in responding to some points made by the minister. So I submit that there is no point of order.

The TEMPORARY CHAIRMAN (Senator Ludlam): I draw Senator Birmingham's remarks back to the amendment before the chair.

Senator BIRMINGHAM: Thank you, Chair. I think the arguments around consistency of approach and how these matters are handled are reasonable ones to be explored during these debates. In the end, the minister stood there and made a statement that the coalition did not support abatement through soil sequestration of carbon. I have been attempting to refute that claim, as is perfectly relevant within this debate. I have been attempting to refute that claim by highlighting that we have a consistent position of support. That position has stood the test of time, unlike the government which has flip-flopped on policy and leaders on this issue over the last year and, of course, has lied outright to the electorate over the carbon tax. Those outright lies and the flaws in the policies that the government adopted before are entirely relevant to the issues we are considering.

Let us look at the policies which the government took to the election. They took policies not for a carbon tax and not for an ETS; instead, they took policies for a cash-for-clunkers scheme and a citizen's assembly on climate change. Remember those two beauties? They were ideas of this government. Whatever happened to them? We worked out that the only citizen's assembly Ms Gillard needs is her weekly meeting with Senator Milne's leader, Senator Bob Brown, and we worked out that cash-for-clunkers was likely to be as disastrous a public policy as the home insulation scheme or the green loans scheme, both of which were other flawed policies in this area of climate change policy. So why is it that we are spending a long period debating this issue?

Senator Ludwig: Because you won't sit down!

Senator BIRMINGHAM: We are spending a long period debating it because everything else you touch you get wrong, Minister. Everything this government has touched in this space has just gone wrong. We want to make sure, so far as we possibly can, that what you do here, first principle, does no harm. That is a key part of the amendment before us.

The minister in his response described this as a clarifying amendment—I am sure the minister will correct me if I am misinterpreting him—and said that this amendment does not necessitate in and of itself any change to the regulations which were presented in draft form to the chamber yesterday; that adding a fifth area of consideration for what adverse impacts there could be does not change what the regulations outlining those adverse impacts may be. I find it quite remarkable that each of the five areas of consideration—the availability of water, the conservation of biodiversity, employment, the local community and land access for agricultural production—should be considered equal factors, that each of them would have equal relevance under law, that each of them would have equal relevance in the drafting of these regulations. If we are adding in a fifth area but the minister now says it has no bearing, relevance or interact on these regulations, I find that quite astounding.
It seems to me that the government is utterly ignoring what would be the will of this chamber and the will of this parliament in inserting an extra criterion for consideration here. This list of excluded offsets projects is important because it is critical to the do no harm principle of this legislation. It is critical to making sure that in pursuing projects that allow for carbon abatement they do not negatively impact on the availability of water—the flow of our rivers, our watercourses, our groundwater supplies and all of those critical areas—that they do not negatively impact on the conservation of biodiversity and on maintaining critical wildlife corridors within our communities; that they do not negatively impact on employment prospects by closing down industries; that they do not negatively impact on local communities by causing harm to those communities, be it economic harm or social harm of some kind; and lastly, for the amendment we are debating now, that they do not negatively impact on land access for agricultural production, because we genuinely think that food security issues and Australia's agricultural output are vital and critical for the nation's future. They are things which should be taken into consideration.

We see a burgeoning world population, a burgeoning middle class in the growing superpowers of China and India. They are leading to dramatically increased world demand for food production and food capability, and quite reasonably so. We think Australia should continue to play a key role in that. We think that this country, which has such a proud history of agricultural production and which has done so much not just to feed Australians but to feed parts of the rest of the world, should continue to do that. Nothing should stand in the way of that absolute imperative.

Few issues generate the kind of public emotion, support and response as does the issue of food security and food production—and quite understandably so, because in the end the core, basic principles of life are that we as a species need food, water and shelter. Everything else you can debate, but food, water and shelter are the key ingredients. This country has not just an opportunity but a responsibility to make sure that we are at the absolute forefront of the production of food into the future.

That is why this amendment is so critical and that is why this amendment should be more than tokenistic. It should be more than a clarification; it should mean something. Seeing that this clause of the bill is entirely about setting up a framework by which regulations for the creation of the negative list are drafted, it is perfectly reasonable to expect that, if you were inserting a fifth criterion—a serious fifth criterion, not a meaningless one—relating to agricultural production, it would have some bearing on what is in the regulations. It would be reasonable to expect that it would impact on the regulations and that there would be some level of protection in those regulations for land access for agricultural production.

If the minister says that it is a clarification and that it does not create the need for any further amendment to these regulations, I would invite the minister to show the chamber and to demonstrate to the Australian people how it is—in these regulations or elsewhere in this bill—that there is protection for those key areas of agricultural production. How and where do we find that protection? Where, in black and white, do we find it in the regulations or in the bill? We are putting this statement in here and it is meant to provide that protection, but what areas of Australia's farm production base will actually be excluded? What areas will be protected? Show us, tell
us and give some reassurance to those who come back and look at the Hansard records of these debates. Give some reassurance that this is not just a meaningless amendment, that it addresses the concerns of many people—many of my colleagues and many of the farmers groups who want to do the right thing wherever possible. Those farmers groups want to increase the carbon content of soils because they know that that will provide, potentially, not just global benefits but practical benefits for the farmers themselves through enhanced water retention in their soils and therefore enhanced production capabilities.

There is an opportunity there for them, but what is in this amendment to make sure that those farming areas, particularly those of high value, are clearly protected from being taken out of agricultural production? What is in this amendment to ensure that we do not see the loss of the potential to fulfil our responsibility, and to take our opportunity, to be and continue to be a part of feeding the growing demands of the world?

How, Minister, are you going to effect this amendment in the regulations? How is the intent of this amendment effected in the existing regulations or elsewhere in the bill? If it is just a clarification, show us, demonstrate to us, that it is, in fact, just a clarification by showing us that the concerns which have led to this amendment being put forward have already been addressed elsewhere. Show us where that is the case.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (10:42): I will start by addressing your first question, which was put some 15 minutes ago when you first started. As an aside, I know that you are struggling in your filibuster to remain focused on the amendment. Notwithstanding that, why I come to the conclusion that you oppose any action on climate change is clear. You have no department, no legislation and no rigour around the model you propose. Plus, if you look at your direct action policy, you do not have any rigour around that either, nor do you have protections for agricultural land.

Senator Milne: No regulatory body; no negative list.

Senator LUDWIG: You have nothing—thank you, Senator Milne. All of that is why I come to the conclusion that you oppose any action on climate change. It highlights that all you are now doing is filibustering the legislation.

I go now to the only question you have asked all morning, which I have answered three times now, just to make sure that it is plain to you. This is an amendment everyone agrees to. It provides in clause 56 those matters, those criteria, that can be taken into account. That is, clearly, the protection that is provided. That is why you proposed it, that is why you agreed to it and that is why we also concede that it is reasonable to include it. It provides the list of matters for the case where, as the bill reads:

In deciding whether to recommend to the Governor-General that regulations should be made for the purposes of subsection (1) specifying a particular kind of project, the Minister must have regard to whether there is a significant risk—

that will now read 'material risk'—

that that kind of project will have a significant adverse impact on one or more of the following: …

And that list will now include the item we are now debating.

In addition to all of that, what you fail to appreciate—or maybe you do—is that you are now focusing on excluded offset projects.
If this bill eventually passes—I would hope today, although that seems to be skating away—it will mean that we will have positive lists. In other words, we can focus on the positives rather than the negatives. You have remained focused on the negatives not the positives. I understand why you continue to focus on the negatives. You do not want this bill to pass. You do not agree that this bill will provide the types of benefits to landholders and the farming community that they can participate in. You want your direct action policy to win so that you can share the confetti that it might have, but it does nothing for the environment, it does nothing to reduce carbon pollution, it does nothing with any rigour, and with no department it cannot have much legislative support.

I will not take up the whole 15 minutes, as this is an important amendment. We agree to it and it should pass. It would be in the best interests of all of us that we do not filibuster. You have been filibustering all morning on this. We have ranged quite widely in this debate, which has been an opportunity for you to get it all off your chest, so now let's get on with it.

**Senator IAN MACDONALD** (Queensland) (10:45): Minister, I would appreciate your advice on a question I have. You will be aware that the northern beef industry was a very important part of Australia's agricultural activities. It provided food for Australians but, perhaps more importantly, also for our nearest neighbour, Indonesia, a country of 200 million-plus people who live closer to me than I do to Canberra or Melbourne. Indonesia is a very important neighbour of ours and one which we have assisted over many, many years. Part of that assistance has been to provide Indonesians with the protein that red meat provides and that was through, of course, exporting live cattle from Australia to Indonesia and then having those cattle slaughtered in Indonesia, in many cases by smaller abattoirs because of the lack of refrigeration in Indonesia. I say this by way of preamble to my question.

The minister would be aware that his decision in, first of all, banning from export those abattoirs that had a proven cruel record was appropriate, and the northern beef industry would have coped with that. By way of background, I simply relate that the minister was then spooked by the left wing of his party, by the Greens, by GetUp! and by all those other fringe groups who have little interest in Australia but who have a lot of interest in maintaining the Labor-Greens alliance in the federal parliament. The minister, completely spooked by those people and by the left wing of his own party, changed his decision overnight and invoked a total ban.

The biggest impact on the beef industry, which of course was the main supplier to the Indonesian protein market, was in Northern Australia. Clearly they are people whom I have a lot of association with and I try to help them as much as I can in a wide range of areas. My office and the office of any other politician in Northern Australia, state or federal, has been overwhelmed by the response from family farmers in the north whose livelihoods and indeed, in some cases, lives have been shattered by yet another stupid decision of the Gillard government.

My question in relation to this bill before us is this, Minister: is the Carbon Farming Initiative and this amendment likely in some way to benefit the northern beef industry that is now struggling to maintain its presence? The minister will be aware—

**Senator Milne:** The answer is 'yes' because you are supporting the amendment. You are actually supporting it.
Senator IAN MACDONALD: I am asking—

Senator Milne: So, why are you asking the question?

Senator IAN MACDONALD: Thank you.

Senator Milne: You are supporting this amendment.

Senator IAN MACDONALD: Thank you, Senator. I have some particular interest in this issue. The minister is putting—Senator Milne interjecting— Senator IAN MACDONALD: I know you are not interested, Senator Milne. You want to stop cattle—in fact, you want to stop people eating red meat in Australia, continuously.

The TEMPORARY CHAIRMAN (Senator Ludlam): Senator Macdonald, could you address the senator through the chair, and I ask you to draw your remarks back to the amendment before the chamber.

Senator IAN MACDONALD: Thank you, Mr Temporary Chairman, your protection against these outrageous interjections, these attacks on me, these unparliamentary interjections would be appreciated. In that way I will not be distracted in responding to those unparliamentary interjections by the Deputy Leader of the Australian Greens. Suffice it to say, I am well aware that the Greens would like to stop all red meat eating in Australia and shut down the beef cattle industry in its entirety.

Minister, back to the question I was asking you. Senator Milne rightly points out that we are supporting the amendment in principle but, Minister, could you explain to me how northern beef producers might be able to take advantage of this amendment and, indeed, this whole bill? The northern beef producers are absolutely decimated by your government's decision. The minister will be aware of course that many of the beef cattle producers in Northern Australia are indeed Indigenous cattle producers. They, like every other cattle producer, will be struggling to make ends meet. I am just hoping that the minister can assure me that there is something in this bill and in this amendment which will allow some small relief to the northern beef cattle industry that the minister almost single-handedly destroyed. Minister, I give you the opportunity, of course, to redeem your decision that has just about, as I say, destroyed the northern beef cattle industry. Perhaps your response could give some hope to the northern beef cattle industry that there is something in this bill and its amendments that will enable industry players in the north to get some assistance. The best assistance the minister could give would be to say that the whole carbon tax policy was off the table. You recall, Mr Chairman, that just a year ago the leader of the Labor Party—the current Prime Minister—promised hand on heart that there would be no carbon tax under a government she led and here we are one year later dealing with legislation surrounding the introduction of the tax she promised would never be introduced in a government she led. She was not on her own, of course. We all know that the Treasurer, Mr Swan, was equally vociferous in assuring Australians that if they voted for the Labor Party—

Senator Birmingham: They were hysterical allegations.

Senator IAN MACDONALD: Absolutely. He accused Tony Abbott of making hysterical allegations when Tony Abbott said, 'As sure as night follows day, the Greens-Labor alliance will introduce a carbon tax.' Wayne Swan was out there assuring everybody that Mr Abbott was simply being hysterical, but we know one
year later that the promises of Ms Gillard and Mr Swan mean nothing. One wonders about the promises that the minister, on behalf of Ms Gillard, is making in this bill and the promises he is making on regulations under this bill. Will they be kept or will they suffer the same fate as the promise of Ms Gillard that, 'There will be no carbon tax under a government I lead'? What can you believe of anything the minister tells us? He is telling us what might be in the regulations; he is making certain commitments and promises. We have done that before. We as the Australian public actually believed Ms Gillard and Mr Swan a year ago when they said, 'There will be no carbon tax under the government I lead.' We have now worked out to Australia's absolute detriment that you simply cannot believe anything a government led by Ms Gillard says. I guess all of these debates are a little academic. We have the history of the Labor-Greens alliance. We know the leader, Ms Gillard, will promise you something to get a personal and political advantage and, as soon as it suits her, she will completely renege on that solemn promise.

Minister, your decision on the live cattle trade was about as well thought through as the carbon tax proposal. Perhaps that is not right. Perhaps you did give a bit more thought to the carbon tax proposal because you desperately need money from any source and this is one way you can get it. I guess you did give a bit of thought to how you could get more money into the coffers to make up for Labor's profligate, wasteful spending on a range of projects. The decision you made on the live cattle exports was made obviously without thought. Once you gave it a bit of thought you realised the huge mistake you had made. You have tried to ameliorate that.

I hear that the first shipment of live cattle is either on the way or being prepared for export to Indonesia now, but it is only a fraction of what was a very prominent industry that kept many beef producers, many Indigenous families and communities in productive, full-time work in the north, which you have almost destroyed with that ill-thought-through decision. In the context of this bill and this amendment, I am wondering whether there is some message of hope that you can give the northern beef cattle industry for something they might be able to gain from this to help them through the awful financial, business and personal situation many of them find themselves in at this time.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (10:57): In answer to the direct question, if you go back to the second reading speech, this bill is committed to action on climate change and the need to reduce our carbon pollution. What it does is unlock the abatement opportunities in the land sector and provide farmers, foresters, growers and landholders access to carbon markets. In doing so, it will begin to unlock the abatement opportunities in the land sector which currently makes up about 23 per cent of Australia's emissions.

That means that the Carbon Farming Initiative will create incentives to do two crucial things: protect our natural environment and adopt more sustainable farming practices as well as the benefit of mitigating climate change. So it does provide an income stream. All of these important co-benefits mean that the sooner we pass this legislation the sooner we ensure that landholders can have access to it and participate in carbon markets and establish
income streams and lock up carbon through soil sequestration, through biochar—through all of the types of opportunities that are provided on the positive list—and develop more opportunities on the positive list. They are all what this bill is about in giving landholders in the agricultural sector a mechanism that values their contribution.

Senator COLBECK (Tasmania) (10:58): I note that the Minister for Agriculture, Fisheries and Forestry indicated that the issues I spoke of in my previous contribution were not relevant. I have to say I completely disagree with that. We are specifically talking about protection of agricultural land, yet the direct actions of the government—they are not indirect by any sense of the imagination—put at threat 100,000 hectares of Tasmania's agricultural land. So 10 per cent of Tasmania's agricultural land is directly put at threat by the Prime Minister and the Tasmanian Premier agreeing to lock up to 572,000 hectares of Tasmania's native forests. It was something that was discussed during the statement of principles process, and it goes directly to the government's credibility in the discussion of this piece of legislation—the Carbon Credits (Carbon Farming Initiative) Bill 2011. The government says it is looking, through its amendment (1), to protect agricultural land, yet its direct action—what it really does on the ground—indicates that it is not. Under what circumstance can anyone have any real confidence in what the government says it intends to do when its direct action—its real activity—actually indicates the opposite?

Minister Ludwig is correct that we both have the same aspirations in what we are proposing here, but it would have been nice if the minister had been prepared to actually address the issue of the direct threat to 10 per cent of Tasmania's agricultural land rather than just passing it off as completely irrelevant—because it is not. We know he has vacated the field completely to the environment minister in the forestry negotiations in Tasmania. He is no longer a part of it; he has been pushed aside. That is disappointing, because I think he might be prepared to stand up a bit more for the forestry industry than is the environment minister—who, amusingly, is a former forestry minister. It would be very nice if the minister were to address the reality of what is occurring in Tasmania and the direct impact on Tasmania's agricultural land.

I want to put a few more details on the record in relation to what has been proposed by the environmental groups and the discussion they are trying to pass off as a simple way to deal with this, saying: 'We're not really threatening agricultural land. You can use the existing plantation estate to take up the lockup of these forests'—the disgraceful lockup of these forests. As I said before, there are about 300,000 hectares of plantations in Tasmania. About 216,000 hectares of the 300,000 are actually in private hands. So here we have the ENGOs out there happily talking about property that is not even in government hands; it is held by private individuals. As I have said, a lot of that is actually owned by the proponent of the proposed pulp mill in Tasmania, and it has been grown specifically for that purpose. You cannot just magically waltz off and say, 'We can put that into a first-class timber supply.' That is absolutely, patently absurd. Yet that is what the ENGOs are implying in their discussion.

It is no wonder that there was huge frustration even from Mr Kelty, in his negotiations with the activities of the ENGOs throughout this process. The ENGOs have been quite disingenuous, saying one thing inside the negotiations and another thing outside the negotiations. Mr Pullinger, in particular, got to the stage where his credibility in this whole process...
was quite suspect, quite frankly. In fact, I think he has even deceived some of his own people in what he was agreeing to in the negotiations versus what he was telling them outside.

I will just take this a little bit further. We have 216,000 hectares of Tasmania's 300,000 hectares of plantation in private ownership. They do not belong to the ENGOs. They are not public property to be negotiated as part of this agreement. As I said, they have been grown for something else. There are 32,700 hectares in private ownership, and they are there for a number of reasons. Some of it is pine plantation, and that obviously has a specific market, but you are not going to get magnificent native forest veneer out of a pine plantation—it is absurd to suggest that you can transition in three to five years out of native forest into, say, a pine plantation. You certainly cannot transition into a eucalypt plantation, which has a life cycle design of about 12 to 13 years. You certainly are not going to get a long-life veneer out of that.

The government's policy, through this amendment, is to protect agricultural land, yet the action resulting from the government's decision in Tasmania is to push forestry out onto agricultural land. In fact, we are seeing it more broadly than that. I was in Orbost last week talking to the forest sector down there, and they are being slowly squeezed out of the forests by the Greens and the environmental groups, in conjunction with the Labor Party. They are a bit more encouraged, with the change of government in Victoria, that that might slow down a little bit, but you see this squeezing out of native forests and into plantations, and there is only one place to plant that: it has to be on agricultural land. We do not like to see conversion of native forests to plantations. We have seen that in Tasmania, and I am happy to admit that from my perspective that was one of the mistakes we did make in Tasmania in relation to our forestry practices: the large-scale conversion of native forests to plantations. We actually have a plantation estate there now and, as I have said, two-thirds of it is in private hands. But, I have to say well-managed, sustainable long-term rotation of a native forest regime—properly utilising all the product streams that come out of that—is the best way to manage this, not pushing our forest sector out onto our agricultural land.

We see the government consistently making decisions that do not support what it says it is doing in this particular circumstance. It did exactly the same thing with its prohibition on utilising biomass for renewable energy. It was a completely ridiculous decision that was driven by the Greens. There is no other explanation for that. It is driven by the Greens; it is Greens policy. Senator Milne asked one of the ministers at question time yesterday a question about the life cycle of coal seam gas versus coal. She asked for a life cycle comparison. I will give her the life cycle comparison of utilising biomass from native forest waste to coal. It is 4 per cent. So how do you reduce your carbon emissions
in energy generation by 96 per cent? You utilise biomass. In Australia, we could generate 8,000 gigawatts of energy from native forest biomass waste without touching another twig or tree.

Think about the carbon emissions that will reduce. The government bangs on about wanting to have a comprehensive carbon reduction scheme and process. If we recognise biomass we can reduce the life cycle emissions over coal by 96 per cent, but because of ideology we cannot do that. The government is not prepared to stand up and say: here is a way that we can do that. You can do it cheaper than wind. It is a low-cost technology compared with, say, wind. It can be done at the regional level. It can be appropriately scaled. I am prepared to accept that in some places we have let the wrong drivers get into our forestry systems. Woodchips did that for a period of time in Tasmania, and that has now obviously changed with some changes in the markets. But a properly scaled biomass industry, set up on a regional basis and with access to the grid, could provide a well-costed, low-carbon-emission energy source which could be quite cost competitive. Yet, because of ideology, because the Greens tail is wagging the Labor dog, we cannot go down that track, so we miss out on the opportunity to produce up to 8,000 gigawatt hours of energy from wood waste that lies on the forest floor, which quite often gets burnt in regeneration burns, which of course the Greens then come out and complain about, saying that we are putting all this particulate matter into the atmosphere. We could actually put that into a biomass plant and generate renewable energy and reduce the emissions from coal in comparison by 96 per cent. Yet ideology drives us away from that.

So all these things we could have if the government were prepared to make sensible and consistent decisions. All we are asking for is a consistent decision-making regime. The government have an amendment on the table that says, 'Look after agricultural land,' yet their decision-making processes, with the forestry agreement in Tasmania and the exclusion of biomass, act in an opposing manner to the intent of this amendment.

We have stated that we have a similar amendment on the Notice Paper. We support the protection of agricultural land. Because of the government's actions in concert with those of the Greens, the Greens tail wagging happily away when they get their way, running the Labor dog, we cannot get sensible decisions out of the government. We would be more than happy to work with the government in relation to these things if the government were prepared to make sensible decisions, not say they are going to do one thing and do something else, which is what we see time and time again. We saw it with the forest agreement and with the biomass in Tasmania.

We see attempts to make claims about the plantation estate in Tasmania that just do not stack up. ENGOs are getting on the radio, telling the community that there are 300,000 hectares of plantation estate in Tasmania that will be available to transition into in three to five years. They are privately owned and they have not been planted and managed for that purpose, yet the government makes a decision at the behest of the Greens at the state level—Nick McKim, running for Premier in Tasmania. And in the federal parliament we have the Greens running the Labor agenda. They are not prepared to stick up for the industry and not prepared to take the actions that we support, which is to provide that level of protection for agricultural land.

I will be very interested to hear the minister's response to that. It is disappointing that he has been pushed aside as part of this
process, as I said before. I would much prefer to have him driving this than the minister for the environment. He was a complete failure as agriculture and forestry minister in the previous government. I have much higher hopes for the current minister, and having spoken to him a couple of times I know that he has a sense of feeling towards the forestry sector. But it would be really nice if the government in its actions were prepared to demonstrate that.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (11:13): Just to reiterate, we are dealing with an agreed amendment under the Carbon Farming Initiative. I know that, for those following this debate, we have certainly ranged quite widely. The reason for that is that the opposition do not agree with this legislation and they are using every opportunity to filibuster. Filibustering is the course that oppositions can occasionally take to delay the passage of legislation. It is unfortunate that they are doing it in such a poor way. Sometimes, though, they do it in a much more entertaining way, one which is perhaps even more relevant to the actual amendment that is currently before the chamber. Unfortunately, here they are not.

Can I say again that, broadly, in combination with measures announced in the government's Clean Energy Future plan, the CFI is likely to improve the productivity and sustainability of Australian agriculture. The Carbon Farming Initiative projects will be most cost effective where they enhance agricultural productivity and deliver environmental co-benefits, such as reducing erosion and salinity or protecting biodiversity. The Carbon Farming Initiative is unlikely to promote what the opposition are now effectively trying to hold onto as their last, single thread of opposition to this bill, which is the conversion of agricultural land to other uses. In all but the most marginal of farming areas it will not be cost effective to undertake revegetation of productive agricultural land, unlike their own policy of direct action where—with no department, no rigour and no modelling—direct action could, in fact, have adverse impacts. It is a far better opportunity for the opposition to agree to the Carbon Farming Initiative, pass the legislation and ensure that farming communities can benefit from what is environmentally and sustainably productive while getting the co-benefits of reducing erosion and salinity and protecting biodiversity and getting the co-benefit of an income stream.

Senator COLBECK (Tasmania) (11:15): There are a couple of questions that I would like to ask in relation to the draft regulations tabled yesterday. They relate to issues around water and water interception. I am genuinely interested in knowing what the baselines for those calculations might be. There is a table on page 6 that talks about the level of interception, long-term average rainfall and the volume of water offsets that have been claimed as part of that. But in relation to what the interceptions might be, in respect of the baselines for calculation of those given the general character of the landscape that they are in, in many circumstances revegetating—and I use that term quite deliberately—the local landscape is actually taking that landscape back to what it might have been before it was cleared. I use a very personal example of the farm that my parents farmed on, which was all forested land. I think there were four or five sawmills in the valley in the early 1900s when that land was cleared. Obviously, that has a material impact on the water flows and the water tables in those areas, so when you take forest cover away the natural impact of
The native forest there is changed. It is obviously considerably changed in the development of the agricultural land. If you actually regenerate that country—and a lot of that is now about growing trees, although not in a native forest format unfortunately—you are actually taking that back much more closely to what it was like before. So I am interested in the justification of saying that you have to have that high-security water title, that water right, to that land, because this is a very new concept and it is not something that we have seen in any format that I have come across before. So the concept of saying that we now need to have a water licence to put trees back into the landscape is a new concept and I am interested to see how that might perhaps bleed off into some other areas. I am very interested to know what the government's baselines for these are, whether they are as to what was the natural state or whether they are as to what is now the altered state, and how those calculations have been determined.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (11:18): The table was based on CSIRO's research and has been developed in consultation with SEWPaC as to water. It is also out for consultation. There has been a significant use of water over the longer period but we need to start looking at what that provides proponents who hold water access entitlements. That, as it reads, 'provides high security for at least the volume of water likely to be intercepted by the forest annually, calculated in accordance with table 1' and averaged across the life of the project. It 'is only used to offset the water intercepted by the forest'. The table is based on the research that is available and developed in consultation. As I said earlier, after some two hours or more dealing with this one agreed amendment, we have got the regulations out for consultation and industry stakeholders can provide valuable input into all that.

Senator COLBECK (Tasmania) (11:19): I think the minister is genuinely trying to provide some advice in respect of that. I am genuinely interested in this and I am getting a good sense of the bases and the baselines for these. As I said, it is a new concept and it does have the capacity to be a precedent for other land uses. So in that context alone it is important that we make sure that this is put together properly. It actually does vindicate the opposition's concern at the time that this bill was first tabled when we said we wanted to see the final passing of this legislation deferred until after we had the capacity, as an opposition and as a parliament, to actively consider these regulations. There was some indicative work provided to us, I accept, but that was not until the day we reported on the legislation, which significantly inhibited our capacity to deal with it. Now here we are, with the government pushing to try to get the legislation finalised, receiving draft regulations and there are some very important concepts contained in these. This, as I have said, is something that I have not seen before in any legislation where someone wanting to have an agricultural land use is required, just to undertake that agricultural land use, to have a high-quality water entitlement. I think it is important to know what the baselines are for this. I understand that the water uptake by a forest plantation varies significantly over its life. It is very, very low in the early stages, obviously, when there is less density in the forest. It ramps up as the forest grows and then it evens off as the forest matures. I would like to know the basis for the calculation—whether it is an average across
the life cycle of a forest. How are these figures calculated?

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (11:22): As I indicated earlier, while revegetation may be taking the landscape back to its natural state, high-security water licences are required because other land uses, such as agriculture, also need water. It will use more water than was the case before human settlement. It is one of those areas where the CSIRO has put together a table. It provides a range whereby you can see a long-term average annual rainfall. It is only used to provide the high security for at least the volume of water likely to be intercepted by the forest annually. It is calculated in accordance with table 1. It provides a calculation. The object is to get to a point where we can use table 1 in a meaningful way. In using it in a meaningful way, it is of course open for consultation. If stakeholders disagree with the long-term average annual rainfall volumes of water offset entitlements required per hectare over the life of a plantation forest then they are entitled to have input into that process.

While dealing with the baseline, we have also dealt with the overall table itself. I think I have sufficiently answered questions for this area. It is again outside the amendment which we are currently dealing with. I am happy to provide answers to it, but we are still dealing with filibustering from those opposite. I know they do not want to pass this legislation. I am happy to answer questions about it and to provide clarity in relation to it. I am sure the community at large, with its 59 submissions, has been able to provide input. The regulations are out for further comment. All of that means that this area will be beneficial to farmers and to the environment the sooner we pass it and put the framework in place.

The TEMPORARY CHAIRMAN (Senator Coonan): The question is that the amendment be agreed to. Senator Birmingham.

Senator Birmingham (South Australia) (11:25): Thank you, Madam Chair. It is a delight to see you in the chair. Congratulations on your ascendency to that office. I do note that the minister has drawn to our attention that we have been debating this amendment for some time, and I acknowledge that—

Senator Ludwig: You haven't been debating the amendment. You've been talking about a whole range of things.

Senator Birmingham: Minister, I think you will find that my contributions have often come to the point of the amendment with great—

Senator Ludwig: Your nose is growing.

Senator Birmingham: You do not want to invite me to take that one, do you? You do not want me to take 'the nose is growing' interjection, because that will only lead to discussing one thing in this place at present. If you want to talk about great big liars in this place, we all know where that leads to. It leads of course to talking about the Prime Minister and yesterday's anniversary of her great big lie to the Australian people.

Senator Ludwig: You should not use the Pinocchio defence.

Senator Birmingham: Well, I am not sure what defence the Prime Minister has at her disposal in relation to the lies that she told in campaigning to the people at the last election, particularly on the carbon tax. This amendment is one that, as you have rightly highlighted, we all support. I am
disappointed, Minister, that you have attempted in this debate to downplay the significance or the import of this amendment. You have essentially cast it aside to the extent that the amendment is little more than a point of clarification rather than an amendment that should be treated with a semblance of seriousness and that should be recognised as an important issue in how this legislation will ultimately operate. This does not change the opposition's support for the amendment.

Obviously, we will engage with stakeholders, as we trust the government will, about the regulations that pertain to section 56. We will make those engagements as constructive as possible. If stakeholders have concerns that the regulations do not fit or adhere to the amended section 56 and the inclusion of this criteria around the availability of land for agricultural production, then I guess we will be back here at some stage debating the regulations in a disallowance motion. Hopefully, it will not come to that. Hopefully, the government can refine these regulations into something that adheres to not just parts (a), (b), (c) and (d) of section 56 but also part (e), which is around land access for agricultural production.

Whilst the minister at the table, the Minister for Agriculture, Fisheries and Forestry, should have a particular vested interest in the amendment before us, the operation of this bill or act, if it is passed, will be with the Minister for Climate Change and Energy Efficiency. I urge that minister to make sure that, as the regulations are finalised, serious consideration is given to whether they are adhered to and that if stakeholders, in particular the farming groups, have continuing concerns about the possible impact of this bill on land for agricultural production then those concerns are heeded so that we get a win-win outcome, so that we get the outcome where farmers actively participate in a market, in an environment, to sequester carbon in their soil and, in doing so, we have the potential benefits of increased water retention, of increased productivity on their land and of the potential for Australia to grow its food production but at the same time we get the other win of certainty that those farmlands will be protected, that we will have agricultural production on all of our potential prime farmlands and that there will not be any adverse outcomes or consequences to that under this bill.

That is what I hope will happen as these regulations are finalised. Notwithstanding what the minister at the table has had to say in downplaying the significance of this amendment, I hope most sincerely that the government will take this amendment with all seriousness and will ensure that it is complied with and reflected in the regulations, not just to the letter of the amendment but to its spirit. Should the stakeholder groups, and farm groups in particular, have concerns about the application of this clause in these regulations in constructing the negative list of activities, I hope that is reflected seriously and those concerns are picked up in these regulations.

Minister Ludwig, obviously you are not going to give any greater comfort at present that we can expect to see anything stronger in the regulations. Obviously, you are not going to give us any greater detail as to how this amendment may operate in the regulations. After some period of debate, I have come to accept that. I have heard your answers; I understand the points that you have made. I am disappointed, but I certainly hope that the minister who will have responsibility for the operation of this law, if passed, will have a different attitude about the significance of this amendment. The opposition certainly does. I hope that, in
time, we will see it thoroughly reflected in the regulations that I wish had—and should have—been drafted long ago in tandem with the presentation of this bill, because they are so critical to how it works and because they can set aside so many of the concerns and misgivings that people have. That has not been the case. Nonetheless, as we now move forward on this, I hope that the government will show a different attitude to this important amendment than the minister has suggested to date. That does not, of course, change the opposition's support for this amendment.

Senator COLBECK (Tasmania) (11:33): I take issue with a point that the Minister for Agriculture, Fisheries and Forestry made on these water access entitlements and ask him to clarify it. I think he was saying that these calculations are being made on the basis of the modified status of a particular piece of country. So it is based on what is there now versus what the original state was. I accept that in a lot of circumstances a fair bit of time has passed between them. I also want him to clarify his point about the amount of water that is actually taken up by a regenerated area versus what it might have been in its native state. I am genuinely interested in this. As I said before, this is a new concept. It is something that I am very concerned about being in the regulations in the first place because it has the capacity to do something that could then be applied to other agricultural pursuits. Quite frankly, the thin edge of a very dangerous wedge would be, rather than a farmer making the decision to plant a crop based on whether he understands he has the water, for some regulation to be imposed on him that he can or cannot plant a crop based on what his water right is.

I put on the record my concern that we are even going down this track in the first place. We will continue to pursue that through the process of scrutinising these regulations. I go back to the point I made earlier that we asked for these regulations back when the bill was being debated and scrutinised by the committee. All of these issues could have been much more easily dealt with, the progress of the legislation through this place could have been much more easily managed, had the government been prepared to do what the opposition asked at the time. In fact, we even moved a second reading amendment to the legislation asking the government to delay the passage of the legislation until the Senate had been able to properly consider the regulations. In my view, that was a very reasonable request. It has been vindicated now because there are legitimate questions and concerns that have been raised by this process.

As I say, this is the first time that I have seen any requirement for any agricultural pursuit to have a high security water licence before there is an entitlement to actually go ahead with that agricultural pursuit. Is this to become the norm? Are we going to see this occur in other circumstances when a farmer is told that he cannot plant his crop unless he has that water right? Are we going to see that be part of an ENGO campaign, for example? I would not be surprised. Here is the precedent. I have often had the discussion with some in the farming community, 'Be careful of what you ask for; you might just get it.' I am quite concerned that this is even in the regulations to start with, but I would like to get a decent sense of the method of its calculation. I would genuinely be interested in the minister putting something on the table in relation to this so that I can get an understanding of where these numbers come from. He says the numbers are from the CSIRO. I am happy to accept that that might be the source, but I would be genuinely interested in having a look at it so I can compare it with some other science that I
have read. There is some very good research that I have looked at that talks about the water take-up of trees. The one thing that I do know is that you cannot put a blanket ban on it because it is extremely variable. It varies depending on where in the catchment it is. It varies based on the gradient of the land, whether it is higher or lower in the catchment and whether it is closer to a watercourse or further away.

All of those things vary, yet this table is effectively based on long-term rainfall and a volume of water that a planting might be expected to take up. How can we as a Senate understand the basis of this? That is why I am asking these questions. The uptake of water through tree plantings of any kind is not a new issue. It has been discussed over a number of years. Yes, the MIS circumstance has exacerbated that discussion and, yes, the MIS circumstance has probably prompted some people to say, 'Let's use this as a mechanism to stop people planting trees.' That is not something that I have not seen before: find a point of community concern and then campaign on that to try to stop people undertaking an activity—stock in trade for some ENGOs.

I genuinely would like to see the basis of this. I would really like to understand the basis of the science. How do we get to something that is based on a rainfall range of 100 millimetres one way or the other and then a water offset for an intended uptake? Surely these are the sorts of things that the proponent of a scheme should be required to consider as part of the process. Why be so specific in what you are defining as part of your regulation? Why not have it as part of a project plan that you have to consider this and then include that as part of the approval process? Perhaps that is a better way to do this rather than being specific and saying, 'If you receive average rainfall of 600 to 700 millimetres over the long term, you need a 0.9 megalitre high-security water licence to undertake a tree planting.' That just does not make sense. As I have said, it varies depending on whereabouts in a catchment you are and on the gradient, and it varies according to the species. Different species will have different uptakes. A saltbush will have a different uptake to that of a eucalypt.

We have before us something that has a very specific focus—and it is something that has never been seen before—and all I am asking for is to see the basis of the calculation. I am genuinely concerned that it is there in the first place, because it could be the nasty thin edge of the wedge, but I would genuinely like to look at the basis of this.

Senator IAN MACDONALD (Queensland) (11:41): I am conscious of the fact that Senator Birmingham, who is running this for us, is keen to have a vote on this particular amendment before a quarter to 12, so I will keep my question very short. The minister would be aware of the banana industry in North Queensland. He would be aware that the banana industry uses a hell of a lot of electricity in its cooling and ripening rooms and a hell of a lot of transport fuel to get the bananas from Tully in Far North Queensland down to the markets in Sydney and Melbourne. The minister would also be aware that just a year ago the Labor Party leader Julia Gillard promised she would never introduce a carbon tax in her government and here we are actually debating bills around the carbon tax.

The banana industry in North Queensland will be hit with increased electricity costs once the carbon tax that Julia Gillard promised would never be introduced is introduced. The banana industry will also be hit with huge increases in freight costs to bring bananas from Far North Queensland down to Sydney and Melbourne. The banana industry will struggle just as the northern
beef cattle industry will struggle. Can the minister assure me that the Carbon Farming Initiative will actually help banana farmers by giving them some assistance that will in a very small way ameliorate some of the additional costs they will have to pay when the Gillard government introduces its toxic carbon tax?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (11:43): On the earlier questions, the CSIRO research has been relied upon to provide the information. These regulations are out for comment. Quite frankly, I know those opposite do not believe in the science. I am sure they would not believe in the science even if we could table the CSIRO’s science report today. They are opposed to this legislation and they continue to oppose it. They do not believe in the Carbon Farming Initiative, which will provide benefits to the environment and reduce salinity, as well as provide specific benefits for the farming community.

Pass the legislation. Stop filibustering. We will get an outcome that farmers can participate in. We know that the farming community is excluded from the carbon price. We have advocated for that and it has been agreed to. The farming community can certainly now use the CFI as an opportunity. This goes to the second question that was asked. You do not have to use the CFI if you do not want to. If you want to participate in it and if you want to develop a methodology that uses one of the available opportunities, you can do so. If you do not want to then you can continue. This is really responding to the Chicken Little arguments that were raised earlier about how the sky will fall down and everything else will happen. That is completely false. If you do not want to use the table do not use the CFI and do not use the opportunities that it presents to you. It is a perfectly logical answer for some who might not see an opportunity, but many will. So pass the legislation and let those farming communities benefit from sequestering carbon.

In response to Senator Macdonald, the banana industry, as you can appreciate, had an opportunity post Cyclone Yasi to receive significant support and assistance to get them through pretty difficult times. We provided a farm clean-up and a significant opportunity to get them through that difficult period. Because there were no bananas in the marketplace there were calls for alternative opportunities. What we have had though is a responsive banana industry able to deal with a particularly difficult event and get back up on its feet. In the foreseeable future bananas will re-enter the market, which will bring down the prices.

Not only the banana industry but all of the agricultural industries—I will not pick any out individually—can benefit from the CFI if they want to participate in it and develop the opportunities. They can use it as a way of reducing salinity in the soil, providing environmental benefits. I know that many in the farming community already do significant work on this. They can use that to their advantage by having their organisations join in this process of identifying the positive outcomes of sequestering carbon. This will ensure that they can reduce their carbon emissions, and that there are not only long-term benefits for their own environment but also income streams from it. All of that is available to them. It is not available while the coalition oppose the legislation and continue to filibuster.

We have been dealing with an amendment that everybody agrees with. No matter how many times the opposition have tried to
characterise it otherwise, it is a sensible amendment. It provides what the opposition asked for and what the government sees as necessary. It does it by amending the criteria that are taken into account by the minister when making decisions around the legislation. We are now four or five hours in. We have had a couple of hours on one amendment that we all agree to. The coalition can argue that they are not filibustering, but they are. We really ought to get on with this legislation.

I think the coalition are now going from the ridiculous to the sublime. They are demonstrating just how opposed they are not only to the Carbon Farming Initiative but also to the opportunities that the Carbon Farming Initiative will present to farming communities. That disappoints me the most. I philosophically understand why the opposition oppose this. I do not agree with you. I completely think you have the wrong end of the stick. I see that it is your position and you are going to stick to it, but I do not understand why you want to deny farming communities the benefits of reducing salinity and soil erosion while also providing income streams. I do not understand that at all, quite frankly.

It is probably wedded to the fact that I mentioned earlier: in this debate, the coalition philosophically have a huge problem. They do not agree with the science. They do not agree with our position. They reflect that in many ways, such as saving money by not having a department. They have no legislation. They have no rigour. They have no model. They only have a direct action model, and I would not even call it that. It is just a tissue-paper-thin document which looks like a policy but is not. It is a clayton's policy, quite frankly. It will not work and it will not do what the CFI will do, which will provide all of those benefits and ensure, as we have done in this, that land use is a criterion that is taken into account. The opposition's direct action policy can have perverse outcomes. They do not want to talk about those perverse outcomes here, and I can understand why they would not want to, but if you look at the coalition's comments on those perverse outcomes the Liberals demonstrate that they are divided on this issue, as they are on the science of climate change.

The legislation we have will strike the right balance between rewarding environmental planning and protecting prime agricultural land; however, the Liberals do not want farmers to benefit from the carbon markets. They are spruiking the idea of tree planting as a panacea for climate change, but you could have the perverse outcomes that Senator Colbeck mentioned. It could create areas where you have insensible policy which encourages tree planting but without any rigour, model or safeguards and without any department or legislation. But they have provoked me into responding in a more broad way. I do this to highlight how the coalition are even opposed to benefiting farmers. That troubles me more each day as I sit in this chamber and listen to the Liberals spruik about the Carbon Farming Initiative. They ask questions but in truth they are filibustering; they are opposing the legislation. Do that at the end—get on with it.

Senator IAN MACDONALD
(Queensland) (11:52): Most of the legislation the Labor Party has brought to this chamber has been so hopelessly drawn that it has had to be amended not long after its introduction. It has been brought in without proper scrutiny of all the elements. That is why we are spending time looking carefully into the bill before the committee at the moment. Senator Ludwig talked about filibusters but he just took 12 minutes to tell us practically nothing. If anyone is doing the filibustering, for some reason it is Senator...
Ludwig and the government. Senator Ludwig even raised issues that were not part of the debate, but as he has raised them it behoves me, in fairness and for an honest debate, to respond to them.

Senator Ludwig said that we want to abolish the Department of Climate Change and Energy Efficiency. Yes, we do. We are looking for a lot of savings, and there is one very big saving. Which government was it that started the Greenhouse Challenge Plus Program? It was the Howard government. Which government put in place a number of initiatives that meant a reduction in Australia's greenhouse gas emissions? It was the Howard government. Did we need a new department of climate change to do that? No. We did it with the department of the environment. Clearly, that is where it can be done—without the huge expense that the Labor Party always wants to impose upon the Australian taxpayer by setting up another group of bureaucrats, another group of public servants, another group of people to push paper around. The department of the environment is perfectly able to handle this, and it can do that under an Abbott government just as it did under the Howard government.

Senator Ludwig also expanded the debate by talking about people not believing in climate change. I can only speak for myself, but I think most of my colleagues accept that of course the climate is changing. The climate has been changing for millions of years. Many scientists say that man is the cause of climate change but an equal number of highly qualified scientists, or more, do not agree. I am not a scientist, I am a mere politician, so I do not know. I take the view that when everybody else takes action, we will too. Certainly I accept that the climate is changing and I would be surprised if anyone did not understand that 20 million years ago the world was covered in ice. It is not covered in ice now, so of course the climate is changing. Millions of years ago the centre of Australia was covered by rainforest. It is not now; it is quite arid. So of course the climate is changing. Is it warming? That is a different question. The facts seem to suggest that in the last couple of decades the climate has either cooled or has not changed at all. They are matters beyond this debate, and I only mention them because Senator Ludwig raised them even although they are extraneous to the issue we are dealing with.

Senator Ludwig spent some time denigrating the coalition's direct action policy, a principal part of which is to put carbon into the soil. That was something the coalition was advocating and promoting long before the government ever thought of it. And you can reduce emissions, you can improve the quality of the soil, through the proposals that the coalition has put forward. You do not need a great big new tax on every Australian—a tax that will have no worldwide impact whatsoever on climate change—to get a reduction in emissions. The direct action proposal of Mr Abbott and the coalition will bring a reduction in greenhouse gas emissions. In fact Ms Gillard, the leader of the Labor Party and current Prime Minister, thought a year ago yesterday that no new tax would be needed when she said there would be no carbon tax under a government she led. The Labor Party leader made a solemn promise that, if her party was elected to government, there would not be a carbon tax.

At about that time Tony Abbott told Australians that, as sure as night followed day, once you got a Labor Party-Greens alliance they would be after a carbon tax. Mr Swan, the deputy leader of the Labor Party and the current Treasurer, accused Mr Abbott of being hysterical for daring to suggest that the new Greens-Labor government would bring in a carbon tax. Mr Swan said that Tony Abbott's suggestion that the
government was going to bring in a carbon tax was hysterical; it was not true. That was then followed up by Ms Gillard, the leader of the Labor Party, saying, 'There will be no carbon tax under a government I lead.' Indeed, she also said that if any action were to be taken on climate change initiatives it would only be done after there was a consensus of those in parliament. A year ago—just 12 months, 366 days ago—there was consensus. The Labor Party, the Liberal Party and the National Party all agreed that there would be no carbon tax.

So there was consensus just a short 12 months ago. There was unanimity in the Australian political scene. Everybody agreed there would be no carbon tax. People voted for Senator Feeney, Senator Ludwig and Senator Brown on the basis that, if the Labor Party were elected to government, there would be no carbon tax. Why did they think that? Because the leader of the Labor Party put her hand on her heart and said, 'There will be no carbon tax under a government I lead.'

It was not as though she did not know she would need to get into bed with the Greens. We all knew before the last election that the Senate was going to change. We could not maintain in the Senate the enormous success we had had in Queensland. Six years ago the Liberal Party had a magnificent success in Queensland when we got an unheard of four out of the six Senate positions. We knew that could not continue. Everybody knew it could not continue. Ms Gillard knew that if she formed government after the election it would have to be with the imprimatur of the left wing of the Labor Party—that is, the Greens. So she knew that was coming, yet in spite of that she promised us there would not be a carbon tax. Wayne Swan, the deputy leader of the Labor Party, reinforced that. Ms Gillard said, 'If we're going to do anything about climate change, it will be on consensus.' I repeat myself to make the point again: there was a consensus 366 days ago, one year ago, and that consensus was no carbon tax.

I raise those matters only because Senator Ludwig has broadened this debate, in what seemed to be a government-initiated filibuster, by bringing in these extraneous matters. I want to return to the question I asked Senator Ludwig about the banana industry. We know how very essential that industry is to all the banana eaters around Australia. As Senator Ludwig rightly said, Cyclone Larry first of all and Cyclone Yasi most recently devastated the banana industry. The banana industry has shown resilience and is back in play now. Coming from the area, I can assure Australian banana eaters that the supply is coming good, that prices will fall and everyone will be happy again—except that to get the banana product from Tully in Far North Queensland to Sydney, Melbourne and Canberra requires huge transport trucks. Those huge transport trucks, as Senator Sterle will tell us and as Tony Sheldon from the Transport Workers Union will tell us, use a helluva lot of fuel—a helluva lot of diesel and petrol.

Under the Gillard government's carbon tax those long-distance heavy transport vehicles are going to be slugged. You can imagine what that will do to the banana industry and to the price of bananas for the ordinary Australian public. There will be no compensation that I am aware of. That is why Tony Sheldon from the Transport Workers Union is so violently opposed to this toxic carbon tax being introduced by the Labor Party and its leader, Ms Gillard.

I hope the members of parliament who are in this place due to support from the Transport Workers Union will do the things they were elected to do and the things that their union sponsored them into this place to
do—that is, to oppose this toxic tax which will mean such devastation for the heavy transport industry and, by extension, the industry I am talking about at present, which is the North Queensland banana industry. Banana growers are going to be slugged by the carbon tax on fuel introduced by this government, which promised that it would not introduce it.

The banana industry also uses a lot of electricity in their storerooms, coldrooms and ripening areas. It is not even argued about now. Even the government's own figures say it is 10 per cent, but we know what the government's modelling is like. More and more we are suspicious of modelling done by this government. The New South Wales government says that electricity prices will go up more like 15 to 20 per cent. That modelling is more believable because it is was done by independent economic analysts. That brings me back to the question I asked and the amendment we are dealing with: what impact will the Carbon Farming Initiative have—in a positive way, hopefully—on ameliorating the huge additional cost the banana industry is going to have to meet as a result of Gillard's carbon tax?

I have been distracted by Senator Ludwig's broadening of the debate, his filibuster. I did want to ask about the sugar industry as well, which is also very important in the north, but I have run out of time to do that. I would like to repeat my question: what tangible financial results will this particular carbon farming initiative give to the banana industry to help ameliorate some—a very small part, I would think—of the impact of the carbon tax on that industry?

The TEMPORARY CHAIRMAN (Senator Marshall): Parliamentary Secretary?

Senator Feeney interjecting—

Senator BIRMINGHAM (South Australia) (12:07): I am not sure whether Senator Feeney spoke then or whether he just bounced in his seat.

Senator Feeney: I was succinct.

The TEMPORARY CHAIRMAN (Senator Marshall): I took it as a bounce.

Senator BIRMINGHAM: You took it as a bounce? A bounce in his seat? I was expecting and hoping for a response to Senator Macdonald's genuine concerns about an industry in his home state and an industry that is important to all Australians. The importance of that industry is being demonstrated—we have seen the impact flow through to inflation. That industry has gone through tough times following some natural disasters.

Whilst Senator Feeney bounces in his seat, Senator Ludwig did at least provide some comments before he had to leave the chamber, but I was very disturbed by those comments. He claimed that the opposition does not want to give farmers the opportunity to sequester carbon in their soils and to enjoy some benefits from that. That is just a blatant misleading of the chamber. The opposition, as I have outlined before, has for a long time—far longer than this government—championed the concept that we can achieve significant carbon abatement in this country through enhancement of our soil carbon stocks; that we can make good inroads in reducing our share of global emissions by capturing carbon in our soils, by increasing the carbon content in our soils; and that, in doing so, we can enjoy a number of benefits such as those that Senator Ludwig has outlined. Those benefits include reduced risk of salinity, increased retention of water and increased soil capacity. Out of all that, we can enjoy the benefits of our soils being able to produce more and our farmers being able to produce more. We can actually boost
Australia's overall productive capacity. So to come into this place and suggest, as the minister did, that we do not support the idea of farmers sequestering carbon is far from the truth.

The coalition has long supported the concept—has recognised the need and the opportunity—of putting greater carbon content into our soils. What we do not want to see, though—because it is what we have seen all too often from this government—is a bad scheme, a flawed scheme, a scheme that potentially has unintended consequences. That is what we do not want to see. That is what we on this side want to stop. That is why we have been diligent and determined in our approach to tackling all of the issues that we have seen with this legislation. That is why, as my colleague Senator Colbeck pointed out earlier, we were crystal clear from day one that we believed this bill deserved to be considered alongside all of the proposed regulations needed to make this bill work; that the Senate inquiry that looked at this should have been able to look at it in its entirety, with those regulations; and that it was important to make sure that, when the Senate committee engaged stakeholders who have an interest in this issue, those stakeholders were able to give us fully informed feedback about it.

But, no, the government resisted that. The government could not manage to get its act together and could not manage to present all of this information in one hit. Instead of the Senate inquiry looking at this legislation with all of the government's proposals before it, it only had some of the proposals. It was not until yesterday afternoon that this chamber was finally presented with a copy of the draft regulations. Long after the Senate committee has finished its deliberations on this bill, long after the House of Representatives has passed this bill and well into the debate on this bill, the government finally comes along and drops these regulations on the table. According to it, the final version of these regulations was pumped out at 11.43 am yesterday.

These regulations are particularly important to the clause of the bill that we have been debating this morning—to proposed section 56 pertaining to excluded offset projects. That proposed section creates the so-called negative list in an attempt to ensure that there are no perverse outcomes or adverse consequences from the operation of the scheme. It attempts to ensure that, in striving to give farmers and others the opportunity to sequester carbon, we do not have adverse impacts in several areas, those areas being the proposed criteria for exclusion.

Four criteria were previously identified. Four is, I know, a number that is important to you at present, Senator Feeney. There are four criteria identified—water, biodiversity, employment and local community. The Senate is agreeing to add a fifth criterion—I do not think there are five spots on the Labor Party's Victorian Senate ticket, Senator Feeney, but, if they wanted a fifth, maybe you would be in the running. We want to add a fifth criterion of land access for agricultural production. The Senate has agreed to do that, but regretfully the minister stood in this place and brushed aside the significance of this. He has described it as little more than a clarification. We do not think preserving land access for agricultural production is a clarification. We think it is important. We think it is sound policy and we think it is vital that we preserve that in this country. That is why we think these regulations need to reflect the letter, the spirit and the intent of the amendment being proposed. I indicated before that I accept we were not going to get any greater clarification from Senator Ludwig. He had made his attitude clear on this. He did not think this was a meaningful
amendment. I am not particularly hopeful that we are about to get any great response or contribution from the bouncing Senator Feeney in this regard.

What I do hope is that, when we pass this amendment shortly, the minister for climate change takes it seriously, and the government as a whole take it seriously. When they engage with stakeholders in analysing the regulations I hope they accept that this is a key principle, which is worth pursuing and worth us being genuine in our approach to. That is what I hope and that is what I urge the government to do. I hope that the government, in finalising this so-called negative list of projects that will not be permitted or accredited under the scheme, actually take into account the issues of land access for agricultural production and are mindful of ensuring that our best farming land remains available for farming purposes.

Farmers can grab hold of whatever opportunity they can to increase the carbon content of their soils, because that is a good thing, but we do not want any other negative outcomes that would see any of those farming lands taken out of agricultural production. That is what we think is at the core of this amendment. That is what we think is so vital in terms of the government honouring the letter, spirit and intent of this amendment. That is why we are so disappointed on initial analysis with the regulations, which have been drafted seemingly with no consideration of this amendment despite the fact that the government has known for a couple of months at least that it was going to accept and adopt this amendment.

If Senator Ludwig and Senator Feeney will not do it, I urge Mr Combet and those who will ultimately be responsible for the finalisation of the regulations that will be brought to this place to ensure that, when those regulations come here, we do not have to have this debate again; to ensure that you actually get it right, that you heed the concerns of the stakeholders and that, when we put the new subclause (e) into clause 56, it is a component that is considered with equal weighting to the other four components and that it is considered alongside them all. That is what we think would happen in a well-managed scheme, in a good scheme, rather than the type of shambolic approach that the government takes to the implementation of its environmental programs, which we have seen time and time again. I can but ask that Senator Feeney and the officials make sure that we honour this amendment fully. It is not as Senator Ludwig described it ‘simply an add-on, simply a clarification’ but something meaningful and gives meaningful security of land access for agricultural production into the future.

**Senator COLBECK** (Tasmania) (12:19):
It is unfortunate that I had to leave the chamber and I was not privy to any comments that Senator Ludwig may have made in response to the questions I asked in my last contribution on the draft regulations provided to the chamber yesterday morning. I have to say that, for me, this is a really serious issue and I tried to stress that in my previous contribution. This actually introduces something into the legislative process that has not existed before. To demonstrate that we were serious about this we expressed our concerns in our report in response to the legislation. We said at that time that the lists are also a potential trojan horse in the introduction of measures that are not current common practice but are the subject of much community debate and would be best resolved outside this process.

Now we have them being inserted into the regulations. I accept that they were part of the draft negative list. It is much more
defined in here now, but I am seriously concerned about the way it was defined. As I said before, I do not see how you can, in a blanket way, say that for a 100-millimetre or greater than 1,000 millimetres rainfall range you have to have a set high-value water entitlement. I just cannot fathom why, for a 600 to 700 millimetre long-term average rainfall, you have to have a 0.9 megalitre water offset licence per hectare per year for the life of the project. I just cannot work that out. It depends on where you are and what you are planting, and that will vary.

It is just like a number of other measures that are included in this bill. We talked about those in the dissenting report—for example, the risk of reversal buffer. The government has put a set five per cent risk of reversal buffer into this legislation and that would be best placed in the individual plan for each of the projects. We know that the risks of reversal vary according to the different forms of sequestration being proposed. Some are higher security than others. Some are much lower. Yet we have a fixed five per cent risk of reversal buffer proposed in the legislation. The same concept is being applied here. It is no different to what the government has done when the Prime Minister has said that no prices should go up by more than one per cent under the carbon tax. She has taken a piece of modelling and tried to apply that across the board. It just does not work. It is simplistic and you cannot apply it that way.

I spoke to a small regional airline a few weeks ago. They said that 30 per cent of their overhead cost is aviation fuel. On the government's own modelling, that is going up by 10 per cent. What does that mean? In simple maths it means a three per cent increase in their prices. They have no option. That is before they apply any of the other costs that they might have—the electricity costs to run their hangars and their servicing business and all that sort of stuff. Their prices will go up by three per cent just from the cost of aviation fuel, which is not exempted under the proposed carbon tax, and so you have the government saying, 'We are going to give extra money to the ACCC and we are going to send the ACCC after anyone who says they are putting their prices up by more than one per cent.'

What do we tell all the small regional airlines around Australia whose overhead costs of operation are 30 per cent aviation fuel? It is not going to vary broadly. It is going to be pretty consistent across those small businesses and 30 per cent of their overhead cost is aviation fuel. It is going up by 10 per cent, a three per cent increase in cost to business. Do we say to them, 'The ACCC is going to come and see you; you cannot put your prices up by more than one per cent because the Prime Minister said so'? Her modelling reckons it should go up by less than one per cent. She told the people on King Island that it is 7c in $100. That is what she is applying, yet King Island gets the triple whammy. Their airfares are going up by at least three per cent. The only way to get on and off the island is by air. Shipping is not exempt. That is all going to go up, and we all know that it costs more to get things to those islands because you have to ship it all in by sea or by air. Of course, they already pay more for energy because that is the way it is in those places, unfortunately. There is no equalisation provided to them by the state, so their already higher power prices will go up by 10 per cent. We know that—the local power authority said so.

So here we have this process of taking an average and applying it across everything. It just does not work. It is not practical. So how can you say that, if you are in an area that has a 900 to 1,000 millimetre long-term average rainfall, you need a 1.8 megalitre water offset entitlement per hectare per year for the life of the project? How does that
work? Surely the best way to deal with that is to say, 'When you submit your plan for your project, we need you to consider what the water use might be and then, in that plan, tell us what you are saying it is and provide us with the information to back it up.' I cannot see me recommending support in my party room for these regulations the way that they are written at the moment. Why would you? As the coalition stated in its dissenting report, here we have Trojan horses. I have said a number of times this concept has not been seen in the legislative process in Australia before. It is probably there at the insistence of the Greens, prepared to give the Labor Party the benefit of the doubt on that. I notice the Greens have vacated the field. I do not think those sorts of generalisations fairly apply. I acknowledge and accept that there are people concerned about the water use of tree plantings. As I said earlier, things like MIS have exacerbated those, but I also know, having read some of the science, that the water uptake varies considerably over the life cycle of the plantings and it varies considerably depending on the type of planting—eucalypt to pine, saltbush, all those sorts of things. They all vary where they are in the catchment. You cannot make some blanket application across the board. If you want to deal with the issue, that is fine, but deal with it in a project based sequence, just in the same way that the coalition said we should do it in relation to the risk of reversal.

We said at the outset that we support the concept of storage of carbon in the landscape. As we have been reminded a number of times during this debate, it is our policy to do that. But, as has been indicated right through the process and in evidence that we heard in the Senate inquiry, this legislation has a whole heap of barriers in it affecting what the government says it wants to do.

I come back to the point that I made in my first contribution this morning. The government says that it wants to protect agricultural land through this amendment, yet what it has done in Tasmania threatens 100,000 hectares of agricultural land—10 per cent of it—because it is pushing the forest out and the only place to situate the plantations that the NGOs, the government and the Greens say that the industry is going to transition to is onto agricultural land. There is no other place to go. We do not want to convert any more native forest to plantation. The conversion of native forest to plantation is one of the issues that underlies the negotiations that are happening in Tasmania right now. Why do we continue to apply those mistakes when we should have learned from them? The Prime Minister should have learned that she cannot go round telling people that prices will not go up by more than one per cent and she will send the ACCC round to tap on somebody's shoulder if that occurs. She just cannot do that. I have given one example. I can give you another one. I went to a powder-coating factory not far from where I operate. They run with gas and they run with electricity. They have done their calculations based on the fact that electricity is going up by 10 per cent and gas by nine per cent. What did they say to me when I asked them how much their prices would have to go up by? They said three per cent; that is their calculation. Are they going to have the ACCC pay them a visit, tap them on the shoulder and go through their books, wasting the time of the business in an investigation because the Prime Minister wants to use the ACCC as a political tool to help her sell her carbon tax? I do not think that that is reasonable or fair. That should not be part of the process.

I repeat that the coalition supports the concept of storing carbon in our landscape. We put up a number of suggestions as part of
our report. But the government, being wagged along by the Greens tail, does not want to do any of that. We have this absurd table about how you have to have a high-security water licence, based on rainfall, to plant trees. It does not stack up. As I indicated in our report, tabled earlier in the year, it is a new concept and something that still remains contentious in the community. And yet it has been inserted—slipped—into some regulations, with some very basic principles, just averages, being applied to it.

If you do a calculation or a bit of modelling, then for 600 millimetres to 700 millimetres of rainfall you need a water entitlement of 0.9 megalitres per hectare per year. For 700 millimetres to 800 millimetres, you need 1.2 megalitres of water offset entitlement per hectare per year for the life of the project. And we know that that varies. For 800 millimetres to 900 millimetres of long-term average rainfall, you need 1.5 megalitres of high-security water entitlement per hectare per year for the life of the project. For greater than 1,000 millimetres, you need 2.1 megalitres of high-security water entitlement per hectare per year for the life of the project. CSIRO might have come with those averages. They have just plonked them in, but the best way to deal with this is on the basis of saying that this is a measure that needs to be dealt with as part of any individual plan. People should put it in their plans and then have that assessed as part of the approval process for the plan. That makes sense—just like the risk-of-reversal buffer. Those things can be managed.

The government wonders why we do not support the legislation. There are two really good reasons: one, it is very difficult for us to support the regulations in the form that they are in and, two, you are not prepared to consider any of the sensible suggestions that we have made as part of this process. You are more than happy to take on what the Greens tell you you have to but you will not constructively engage with the opposition.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:32): I will briefly respond. The casual observer of this debate would be forgiven for not being able to recognise the fact that we have now spent the best part of three hours considering a government amendment that is agreed to by the opposition. The reality is that we are witnessing here a manful attempt by those opposite to filibuster this debate. Let me tell you for free, Senator Colbeck, that on filibustering points you are the winner. Your speech gave the greatest impression that you were trying to talk about the subject. You were not, of course, but to the casual observer your speech would have given the most effective appearance of at least trying.

Senator Colbeck, on the 30 seconds of content that appeared in your remarks and your questions in terms of long-term rainfall and those tables—while not relevant to the debate at hand—this is a matter that was obviously part of the consultation paper, the feedback process and the draft regulations. You know all of that. You have asked those questions and got those answers previously. While not relevant to the debate at hand, I will also make the comment that it is an issue that you have already taken up with the government and I am sure that you will continue to do so.

In terms of King Island and your forensic remarks about it, I look forward to the day when you go to King Island and explain how your direct action policy imposes a direct cost of $1,300 per household upon each of them. I will also watch with great interest how you explain to them how your $70 billion worth of budget cuts will impact on them and their community.
Senator Birmingham: This is not helping your cause.

Senator FEENEY: Senator Birmingham, I always welcome your advice. Our policy is that carbon emissions will be cut by five per cent on 2000 levels by 2020, a total of 160 million tonnes of carbon. Senator Joyce, you will note that a weight is ascribed to carbon emission abatement. The fascinating thing about this debate is that your policy is exactly the same. You too seek to reduce carbon emissions by that much by 2020; you too seek to abate some 160 million tonnes of carbon. I am always fascinated to see the threads of climate change scepticism weave their way through your speeches because you are trying to hide your fundamental dishonesty in this debate. On paper, you too are committed to combating climate change. You too are committed to reaching a realistic target by 2020. But in reality you are not. For you, this entire debate is about appealing to the sceptics and the science deniers and hiding from public view your own policy. I hope that you fail in that endeavour. To the extent that any of the previous speeches offered any questions—and they barely did—I think that I have adequately responded.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (12:36): It is important to talk about an issue that pertains to prime agricultural land. I recognise that there is support on this issue, but the National Party went in to bat for the particular issue of the protection of prime agricultural land. Prime agricultural land, as you well know, is vitally important for our capacity as a nation to feed ourselves. On the hierarchy of needs, it is at the very top. Prime agricultural land is more important than mining, because we as a nation have a duty to feed not only our people but others throughout the world, especially as the global food task—which my good friend and colleague Senator Heffernan is always talking about—increases as population increases. We have to make sure that we have the capacity to utilise our prime agricultural land. When talking about prime agricultural land, which this amendment discusses, I think it is important to state that some misconceptions have been put out there, none better than a statement by the minister in Queensland, Ms Nolan, who has stated that farmers never had any rights over their land. That is totally and utterly factually incorrect. Certainly, the Crown had the right of prospecting on your land and, right back to Magna Carta, had the rights to gold and silver on your land. But it did not have the rights to the coal, oil or petroleum on your land as far as mining went. Those rights were taken over in Queensland in the 1915 act for petroleum and gas, for security of those rights in World War I. It is almost 100 years ago, but certainly not hundreds of years ago, and it is certainly not something that was there in perpetuity. In Victoria, as I am sure Senator Feeney is aware, it was the threat of World War II that led to security for that asset—they started pilfering it off the farmers at that point in time. Then, going all the way through to 1981, it was at that point in time that the adroit Neville Wran managed to pilfer the rest of the farmers' rights. So it is factually incorrect to say that the farmers did not actually have a property right. They did, but it was taken from them.

It is because they lack property rights that we now see the immense discrepancies and the absurdity that farmers get less than 0.75c for every $1,000 the mining company earns. I do not think that is a reflection of a fair bargaining position. I am certain that Senator Feeney and others on the other side have a clear understanding of how bargaining positions go for workers—when you are getting a fair deal and when you are not—and I imagine that there may therefore be
some sympathy from over there for the fact that the farmers are not getting a fair deal.

Also, regarding the carbon sink legislation, if we lose our prime agricultural land to forests rather than mining it, is not going to be much use to us unless we intend to evolve to a higher form of termite! The idea that we will all somehow live happily ever after in an economic upland with forests kept in perpetuity rather than ones you can cut down is wrong. It will send the towns and their economies into privation. At the same time we will have absconded from our moral duty to feed other people. That is a duty we have. One might recognise that the rice industry in Australia has the capacity to feed up to 60 million people. That is quite substantial. It seems peculiar that in some of our legislation we might want to shut it down. Do we think it is not morally correct to feed people? Do we think there is something that presupposes that having scrub is more morally right than feeding people who are hungry? I think that the highest duty you have is to feed your people. I am sure my colleague Senator Brandis will agree with me on that one. No doubt he has come in here because he thinks I am an extremely loquacious speaker—

Senator Brandis: I think you are an extremely eloquent speaker, Senator Joyce, and an adornment to the Senate.

Senator JOYCE: Thank you. I have always thought so myself!

So on this issue the National Party does have an extremely strong interest. It was one of those times where the National Party crossed the floor—the lot of us, on carbon sink legislation.

Now there is an interesting thing we should talk about. We have the carbon tax legislation coming up. One of the greatest rights you have in this place as a representative of the people, first and foremost—there is no mention of a political party in the Constitution; it is your representation of the people—is that if you believe something to be truly right you can vote on that accordingly. You have the right to walk from one section to another in this chamber and in the other place. It is a fundamental right that you should have. I believe strongly that, behind the rhetoric, there are people in the Australian Labor Party and maybe the Greens—or maybe not—who fundamentally do not believe in a carbon tax. It is wrong that in the year of our Lord 2011 we still have this kind of medieval approach of bullying people so that on key issues they cannot exercise their vote in the way they see fit. And this is a key issue; it is a big one. No-one can arrest you or assault you because of it. But it is wrong. We talk about the modern position with the internet the way it is and we talk about all the other liberties that people want and their view on them. We are allowed to discuss same-sex marriage but we are not allowed to discuss the liberty of being able to vote the way you want to on an issue. But you should be able to do that.

It is absurd that some person you have never in your life met and who was never elected to office can instigate a process of extracting you from this parliament by disendorsement or basically bullying you out of the joint. That is wrong. It should not be happening these days, and I think the Australian people are more and more becoming a wake-up to this. They will watch the carbon tax debate evolve and they will be asking their local representative to represent them first and foremost above and beyond allegiances to any other body. That is their right; it is what they should be entitled to do. Every person will be answerable for the way they vote, because it takes only one vote in the other place to stop the carbon tax. So any one of the people in the lower house actually has the balance of power. They have the
capacity to make a major change for our nation. All they have to do is move the 10 feet or 10 metres from one side to the other. The right to take that walk should be absolutely ingrained. It should be your fundamental right.

The TEMPORARY CHAIRMAN (Senator Marshall): Senator Joyce, I think I have been fairly tolerant, but I do remind you of the question before the chair, which is an amendment to the legislation.

Senator JOYCE: I think I should reflect on your tolerance. You have been a very tolerant person. I understand.

Senator Feeney: You need to spend more time with him!

Senator JOYCE: We need to get to know one another better! But it is very important that on prime agricultural land we reflect the intention of what that is about. It is not all the land in Australia; it is merely a footprint of maybe three to four per cent of our nation. That leaves you 96 per cent to knock yourself out with. That prime agricultural land should be protected and the rights of the farmer should be protected. The capacity of Australia to feed itself and feed others is a moral obligation we hold. If we destroy primary agricultural land you cannot get it back in the future. God has not been around for the last couple of weeks. Whatever is there is all you are going to get, forever. There is no more. That is as good as it is going to get. Anyway, I think we should be considering that.

Progress reported.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Marshall): Order! It being 12.45 pm, I call on matters of public interest.

United States: Road Transport Industry

Senator STERLE (Western Australia) (12:45): Thank you, Mr Acting Deputy President, and thank you, Senator Brandis. I appreciate your giving me the call; I have to be somewhere else. I want to take this opportunity to report to the Senate on a recent visit to the United States of America that I took to examine the challenges facing the North American road transport industry. As many of you in this chamber and in this building would know, I am a very passionate and proud supporter of our transport industry, having spent many years as an owner-driver hauling furniture throughout this great country.

In the USA the basic wage is just $7.50 per hour, and we know the parity between the Australian dollar and the American dollar is quite frightening. In California it is slightly better, I believe about $8.50 an hour. There is a marked distinction in the USA between union and non-union workers' wages and conditions. I had the absolute pleasure of attending the International Brotherhood of Teamsters Western Organizers Conference in Los Angeles. It might come as a shock to those opposite but I am a very passionate supporter of the Teamsters. I was honoured to meet some of the leading lights of the American International Brotherhood of Teamsters. I will just name a few. There was Mr Jimmy Hoffa, the general president of the International Brotherhood of Teamsters, a fantastic person. I wish that President Hoffa does come Down Under very soon.

Senator Feeney: Hear, hear!

Senator STERLE: I acknowledge Senator Feeney's response. I would like to mention a few more very worthwhile people that looked after me in the United States: Tim Beaty, Director of Global Strategies;
and Jeff Farmer, Director of Organising, who I have had the pleasure of meeting on a number of occasions. Jeff has been a visitor to Australia. Others were Dan Sullivan from Washington, an organiser with the Teamsters; Jason Gately, an international organiser out there in Las Vegas; Mike Magnani, secretary/treasurer of Local 995; Larry Griffith, secretary/treasurer of Local 14; Bob Morales, secretary/treasurer of Local 350 in Daly City, California; and a very good friend of mine, Rudy Gonzalez, from Local 856 in San Francisco.

While at the conference I was given the opportunity to attend a Teamster organised rally in the streets of Los Angeles.

Senator Brandis: I can just see you there, Glenn.

Senator STERLE: Senator Brandis, I proudly had my Teamsters shirt on saying, ‘Our job, our community: let the fight begin.’ I did join the rally of 30,000 people, teamsters and people from all walks, all professions, and proudly supported by other unions and other workers. The reason for the rally in Los Angeles is that, as you would know, Mr Acting Deputy President, financially and economically America has its challenges but unfortunately, as is normal with most reactions to these situations, there is a Republican governor in Wisconsin named Scott Walker. To cut a very long story short, as we have seen here before, if the economy is lagging, if things are looking bad, where are the first cuts targeted? Where else but workers. Anyway, I believe that when the announcement came to strip Wisconsin public sector workers of their right to collectively bargain and also be covered by a union negotiated agreement, 130,000 people attended a rally in Wisconsin. The fight is going on. Unfortunately for the good folk of Wisconsin in the public sector, the Republican senators voted in favour of stripping their rights and conditions in the workplace. Hence the Teamsters have sent a very loud message to the city of Los Angeles that if any of those shenanigans were to happen there would be a warning fired across the bow to show that Californians would not take it lying down.

The disturbing reality is that in the United States, if it is your job to safely command the wheel of a 40-tonne truck with a container full of hazardous materials or imported consumer goods from the wharf to the warehouse, you only can expect to earn $US28,000 a year, which equates to $26,500 here. I know that sounds hard to believe but the harsh reality is that it is a fact: 40-tonne semi drivers on $A26,500 a year. It is frightening. I ask senators and those listening to imagine that hauling everything from mattresses, MP3 players, televisions and tennis shoes to fuel and other vital services was a minimum wage job without a union or a contract in Australia. Unthinkable, but sadly in America it happens. In America, the thought that you would have access to health care and a pension for working in such a dangerous job but in an important industry in the global economy is a joke. It is not a very funny joke but I could not think of another word. There are over 110,000 port drivers in the US who, sadly, are devalued this way.

I raise this now, with so much economic injustice in the world, because one of the culprits behind this American exploitation of truck drivers is an Australian company, Toll Group, which operates at US ports in Los Angeles, New York and Miami. Literally, the working conditions it imposes on workers are nothing short of disgraceful. Toll Group truck drivers do not even have access to clean and safe rest room facilities. Their options for relieving themselves include going on the side of the road—and we are not talking out in the middle of nowhere, somewhere between Halls Creek and Fitzroy.
Crossing; we are talking suburban Los Angeles—or using a plastic bottle in the cab of their truck. This is incredible but this is what is happening. This is because their company, Toll subsidiary FMI, merely provides them a filthy toilet and actually bars them from using the clean indoor facilities that its non-truck-driver employees are freely allowed to enjoy. So we have a responsibility to raise our voices, as the workers in America raise theirs, and demand justice on the job. There may be some cynicism in this chamber about how I know. I will tell you how I know. I had the privilege of meeting about 15 port truck drivers employed by the Toll Group subsidiary FMI in Los Angeles. I will call one of them I met 'John'. I do not want to use his real name, because Toll has hired a union buster and has started intimidating drivers because they want to address their poor conditions by joining a labour union.

John is one of over 12,000 port truck drivers responsible for moving extremely heavy cargo containers every day, filled with billions of dollars worth of goods, through America's most enormous port complex in Los Angeles. It is very disappointing to me that John, a father of two, one of which is still in nappies, has hauled containers off the port for the last 13 years but is not rewarded for his work to keep the global economy moving. For the last few years he has been responsible for moving fashion products, brands such as Macy's, Guess and Under Armour, from US shores to American stores. His hard work and that of his compatriots earn Toll a very healthy profit. But, sadly, John is not allowed access to company toilets. In this day and age, that is incomprehensible. He is not even allowed to use the employee break room to make a cup of coffee before a long shift, nor is he allowed to access that facility to heat or refrigerate his food before he starts work.

Only truck drivers are denied the dignity to sit and eat their meals during their rest breaks. John often loses loads and hours to other employees because the company dispatches work based on favouritism rather than on equitable policy that drivers can rely on for full-time work that guarantees that they can feed their families. That is just disgraceful.

John and his co-workers are very skilled port truck drivers, committed to providing quality service and the highest degree of professionalism, just like our Aussie drivers. Despite their hard work to help the company grow and succeed, the Toll Group denies its truck drivers in the US the rights and freedoms its employees in Australia enjoy. It is our responsibility to ensure that Toll, that great Australian company, upholds Australian values, no matter where it operates. We must help John and his co-workers achieve the labour standards that Toll Group workers receive here in Australia. We cannot protect model standards in the global economy if we do not do our part to put an end to the abuse and injustice that these workers face elsewhere.

But, instead of addressing these concerns as they expand to America, Toll show what they truly think of their workers. Toll want to prevent their drivers from joining the Teamsters Union. The Teamsters Union has been engaged in a remarkable campaign for several years to bring dignity and respect to drivers across America. Toll are able to deny these drivers their right to join the Teamsters because of the legislation that is in place that restricts the good work that unions do in America. In Australia, through hard-fought negotiations with the Transport Workers Union and other labour unions, Toll provide their workers with fair wages and conditions. That is a testament to the legislation put in place by Labor governments to ensure the rights of workers to bargain collectively, as
well as the long fight of the labour movement to ensure that workers rights are and always will be protected under a Labor government in their workplace. Madam Acting Deputy President, it is not a throwaway line, but the fight continues.

We have already seen the spectre of the return to Work Choices by the Leader of the Opposition, who, as we clearly know, does not think there was anything wrong with Work Choices—those were his words—only that it was not properly sold to the electorate. He is now joined by the member for Bennelong, a former tennis player, who, I am sure, is not short of a quid—and, if he is not, good luck to him—and in order to secure his standing in the Liberal Party has called for the stripping of penalty rates because they are getting in the way of company profits.

If the extremist policies of those opposite are allowed to be enacted into law, then it will only be a matter of time before the industry will take advantage and safe wages and conditions will become the exception, rather than the standards that Australian workers enjoy today. This is why I will work with the Transport Workers Union to help these American workers, as part of my commitment to uphold the standards for Australia’s transport workers, to protect and improve their livelihoods.

Senator Williams interjecting—

Senator STERLE: I stand with our national secretary, Tony Sheldon, and with our national assistant secretary, Michael Cain, and with all TWU members in this fight. May I—through you, Madam Acting Deputy President—also encourage Senator Williams over there, from the Nationals, who, as soon as I started talking about 'safe rates' has not stopped gobbling off, to make a contribution, through you, in this chamber on what he may think of transport workers, their wages and their conditions. I would be very keen to hear that, because he was not cheering and supporting the TWU’s fine work through their negotiating skills to look after Australia’s truck drivers and keep them safe on Australian roads. You defend your statements, Senator Williams. Stand up here and grab something to give you some machismo to defend why Australian truckies should not be paid a decent, safe wage. I wear this yellow wristband in solidarity with America’s truck drivers employed by Toll. It is a symbol of their fight for freedom to unite and speak together as one voice at work so they have the chance to build a better life for themselves and their children. Before I wrap up, there are a few fantastic people I wish to acknowledge: Mr Fred Potter, Vice President At-Large of the International Brotherhood of Teamsters; Mr Manny Valenzuela, western region organising coordinator in California—Manny, thank you, mate, for taking me around and introducing me to a fantastic cohort of truck drivers and Teamsters members in California; and Mr Nick Weiner, National Campaigns Coordinator of Change to Win. I challenge everyone in this chamber to show some strength, show some dignity and stand up for truck drivers. Let us support our brothers in the United States of America—that great fighter for freedom floating out there with disgusting conditions, where Australian companies as well can exploit the hardworking men and women in the American transport industry.

Member for Dobell

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (13:00): Yesterday during question time in the House of Representatives, the Prime Minister was asked by the member for Mackellar whether she retained complete confidence in the member for Dobell, Mr Craig Thomson. She was further asked whether she had conducted an investigation
of her own into the allegations surrounding the member for Dobell. The Prime Minister did not answer the second part of the question. However, she did tell the House of Representatives that she had complete confidence in the member for Dobell, that in her opinion he was doing a fine job and that she was looking forward to him doing that job 'for a very long, long, long time to come'. Because the Prime Minister avoided answering the second part of the question, we do not know what, if any, investigations she has made into allegations concerning Mr Thomson. We do know that on Monday night Ms Gillard said:

These matters have been and are in the process of being looked at through various investigations.

She did not elaborate on what those various investigations were, but she did say that she had not held any detailed discussions with Mr Thomson.

In view of the severity of the allegations that have been made about Mr Thomson, there are certain inquiries which the Prime Minister herself must make and certain questions which she herself needs to address. I know that Mr Thomson has denied allegations of wrongdoing made against him. Those who are observing carefully the Thomson case will be able to form their own conclusions about the credibility of those denials and about the credibility of the Prime Minister's evident reliance upon those denials. But there are many facts now in the public arena which are not in dispute.

Those undisputed facts include the following. Between 2002 and 14 December 2007, when he resigned after his election to the House of Representatives, Mr Thomson was the National Secretary of the Health Services Union. In that capacity, Mr Thomson was issued with a corporate credit card held by the union, transactions upon which were paid for from union funds. On two occasions—one on 8 April 2005 and 16 August 2007—calls were made from Mr Thomson's mobile telephone to the telephone number of Sydney Outcalls, an escort agency. On 9 April 2005 and 16 August 2007, the HSU credit card issued to Mr Thomson was used to pay for services provided by Keywed Pty Ltd, which is the corporate entity which trades as Sydney Outcalls. The payments were in the amounts of $2,475 and $385 respectively. The credit card vouchers were signed in Thomson's name, and a drivers licence number which corresponds to the number of Thomson's drivers licence was endorsed upon the receipts. On 7 April 2009, Thomson denied allegations of improper use of the union credit card and told the Sydney Morning Herald that the allegations against him were the result of feuding in the union's Victorian branches, with 'more and more outrageous claims and counterclaims being made' by his factional opponents. In the time since, Mr Thomson has continued to deny that he was responsible for the use of the union credit card to obtain escort services. As recently as the week before last, in the course of an interview with Michael Smith on radio 2UE in Sydney, Thomson asserted that the credit card had been used by a third party and not by him. Let me read into the record some extracts from that interview:

Smith: Hang on, mate. I'm repeating it. I'm saying your signature is on that voucher. Your driver's licence has been transcribed on the back of it. How did all that get there?

Thomson: Well, I'm not saying that's my signature for a start. That's the first thing that's there …

Smith: OK, so did someone forge your signature for the procurement of those services on your credit card?

Thomson: Well, it certainly wasn't me and in fact on over half of the occasions that I'm alleged to have been using that card in those sorts of establishments, I actually …
Smith: Let's talk about one …
Thomson: I'm not going to go through the
details of stuff …
The transcript proceeds after a few minutes:
Smith: OK, well, you were the boss of the
Health Services Union at the time the Health
Services Union credit card was used to procure
those services, weren't you?
Thomson: Yes, I was.
Smith: OK. Did you take the matter to the
police if you believe the credit card was used
improperly, did you go and report it to the police?
Thomson: The union reached a settlement with
another gentleman who paid back $15,000 in
relation to use of credit cards at an escort agency.
Smith: Did he forge your signature?
Thomson: I don't know whether
he forged my
signature or who forged my signature …
As is the practice in New South Wales,
Thomson's signature appears on his drivers
licence. Paul Westwood OAM, a former
director of the document examination section
of the Australian Federal Police, who is a
handwriting expert with 45 years experience
as a forensic handwriting examiner, has
compared the signature on Thomson's drivers
licence and the signature on the credit card
voucher and has concluded that they were
made by the same person. Photographs of
Thomson's drivers licence and the credit card
voucher were reproduced in the Sydney
Morning Herald on 1 December 2010, and
they appear to the untrained eye to be
identical. If Thomson did not sign the credit
card voucher, then it was signed in his name
by an expert forger who eluded Mr
Westwood and who also had Thomson's
drivers licence.
In the same interview with Michael Smith,
Thomson admitted that in his capacity as the
Secretary of the HSU he had authorised the
payment by the union to the credit card
provider of the credit card accounts, which
included debts for the services provided by
Sydney Outcalls on both 9 April 2005 and 16
August 2007. Let me read a little more of
Michael Smith's interview with Mr Thomson
into the record:
Smith: Ok. Craig, when you got the credit card
statement for that month with $2475 appearing—
Thomson: Michael, I've said the difficulty we
have in terms of going through these issues—
Smith: Hang on a sec, mate, it's a simple
question. A simple question, Craig. Did you
authorise it getting paid?
Thomson: Um…in terms of the actual bills that
have been paid? Yes, I authorised all the credit
card bills—
In the same interview with Michael Smith,
Thomson also asserted that an unnamed third
party had repaid some $15,000 to the HSU in
respect of escort services. Reading again
from Michael Smith's interview:
Smith: OK, well, you were the boss of the Health
Services Union at the time the Health Services
Union credit card was used to procure those
services, weren't you?
Thomson: Yes, I was.
Smith: OK. Did you take the matter to the
police if you believe the credit card was used
improperly? Did you go and report it to the police?
Thomson: The union reached a settlement with
another gentleman who paid back $15,000 in
relation to use of credit cards at an escort agency.
Smith: Did you go to the police though, Craig?
Thomson: We have gone through the appropriate
bodies in terms of that and you know there has
been a person who has paid back some money.
Smith: Who was that?
Thomson: Well, I am not at liberty to say, again,
because I am very careful in relation to
defamation action. There has been a private
agreement signed.
In light of these facts and Mr Thomson's
assertions and admissions, the Prime
Minister must satisfy herself in relation to
the following matters. First, given the
amounts of money involved and the entity to whom the credit card payments were made, why did Thomson not query the accounts before authorising them for payment? Secondly, given that Thomson's mobile telephone number was used to contact the service provider and that his drivers licence was produced to verify payment, how did his credit card, drivers licence and mobile phone find their way into the possession of another person? Thirdly, why was their loss or misappropriation not reported? Fourthly, in what circumstances were they returned? Fifthly, as Mr Thomson now claims that his signature was forged, why was that matter not reported to the police? Sixthly, what is the name of the person who allegedly repaid $15,000 to the HSU and what was the reason for the repayment? Was that person an officer or employee of the union and is that person still employed by the union? Seventhly, if it is the case that another person has accepted responsibility for the fraudulent use of the credit card, why has that version of events not emerged from other sources and why was no evidence disclosed or adduced to that effect in the Fairfax defamation proceedings? Finally, if a third party accepted responsibility, why would a settlement of a matter in which Thomson's reputation was potentially so gravely affected preclude him from taking any steps to protect his reputation? Moreover, the version of events given by Thomson on 1 August contains inconsistencies with Thomson's previous versions of events. The Prime Minister must therefore satisfy herself of this: given that Thomson now admits that he personally authorised the payment of the credit card account, why did he allege that his enemies had falsified HSU records and does he still allege that?

I regret to say that there is more that the Prime Minister should be asking the member for Dobell in order to satisfy herself that he should have her confidence. In April 2009, the Sydney Morning Herald reported that Thomson, when National Secretary of the HSU, obtained cash advances on the HSU credit card totalling over $100,000. An external audit has not been able to locate any receipts or other records to justify those cash advances. Those matters, I understand, are currently being investigated by Fair Work Australia.

Finally, yesterday the Sydney Daily Telegraph reported that New South Wales Labor Party headquarters had paid $40,000 towards legal fees which Mr Thomson had incurred in bringing his private defamation proceedings against Fairfax, the publishers of the Sydney Morning Herald. This morning the Melbourne Herald Sun reported that this amount was in fact $90,000. That payment was apparently made in May of this year. Thomson discontinued the proceedings on about 28 April, having failed in December 2010 to prevent the disclosure of his credit card and telephone records. Is the Prime Minister satisfied that it is proper for the Australian Labor Party to contribute some $90,000 towards the member's private defamation action against Fairfax, which claim he abandoned shortly after the court compelled the disclosure of his credit card and telephone records which appear to give the lie to his claim that his signature was forged?

Finally, it was only yesterday, when this matter was brought to light, that the member for Dobell sought to amend the Register of Members' Interests by lodging with the Registrar of Members' Interests for the House of Representatives a letter that identified the payment of a sum of money in May 2011 by the Australian Labor Party's New South Wales branch 'in settlement of a legal matter to which I was a party.' Why was that amendment only made after its disclosure was revealed?
I have in the course of this speech suggested many questions that the Prime Minister must ask, but there is one simple question that she must answer for the Australian people: why does she continue to believe that the conduct of the member for Dobell is acceptable, and how can she possibly continue to assert that he is doing, in her words, 'a fine job'?

**Body Image**

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (13:15): I rise today to speak, as I have in the past, about my concerns surrounding child beauty pageants and early sexualisation of girls. Child beauty pageants are, unfortunately, only one aspect of a huge problem connected to the early sexualisation of young girls, body image issues and the subsequent potential for emotional and psychological harm to youth and adolescents.

Today I would like to take some time to raise awareness of an issue that affects far too many young Australians: the issue of negative body image. Body image—and, more specifically, negative body image—is indiscriminate. It can affect individuals of any age, gender, size or ethnicity. A recent study by Mission Australia showed that body image is more of a concern for people aged 20 to 24, with 28.7 per cent indicating concern, than for those aged 15 to 19, with 27.4 per cent indicating concern. Children aged between 11 and 14 are also worried about their body image, with 23.7 per cent indicating that it is of concern to them.

As these statistics show, body image is a significant problem for individuals of all ages. Might I add that these statistics become even more concerning when you take into consideration the fact that surveys asking individuals to self-assess often produce an underreporting of negative statistics. The problem of negative body image is most likely even more widespread than any survey can show. It seems there may be a public perception that negative body image is a problem only experienced by girls. However, the research being conducted in this area clearly demonstrates that body image issues are faced by both boys and girls. In the Talk Now youth survey conducted earlier this year, of the 58 males polled, 79 per cent had an issue with their looks. The same survey took suggestions for strategies to make young people feel good about themselves. I found the comments from a nine-year-old boy to be simplistic but profound. He stated that we should 'see more people that are not perfect in the media and in sport and in music'.

This statement identifies a vital element of the negative body image problem. Too often, role models for our young people are portrayed falsely as perfect. In my capacity as a politician and a mother, negative body image is a prominent concern for me. It has the potential to affect the self-esteem and general wellbeing of our young people. It can also inhibit participation in social activities and lead to serious health issues such as depression, eating disorders and social isolation.

There can be many external influences on young people's idea of body image and self, one of the most prominent influences being our cultural idea of beauty and the ideal body. Mass media magazines, music videos and celebrities can sometimes reinforce those negative views that young people are quite clearly experiencing. The phrase 'thin is in' clearly characterises the current culturally ideal body. This is obvious in many aspects of society, from pictures of ultra-thin models in magazines to the constant selling of the newest and best whiz-bang diets on television and in other media outlets. The implicit message is that we are not good enough the way we are and that we must
change. The cultural ideal of beauty that is currently being communicated to young people via the media is unrealistic and unachievable for most individuals. This is a very serious problem.

When our youth are constantly bombarded with images and messages that prescribe a look that is unattainable for most, it leaves many young people constantly feeling that they are falling short and are not good enough. We already know, because it has been spoken about in this chamber on many occasions, that this reinforces one of the worst aspects of young people's lives at the moment: bullying. These negative feelings often open the door for the subsequent problems, as I outlined earlier, of depression, eating disorders and low self-esteem—and the list goes on.

According to the latest annual survey of Australian youth aged between 11 and 24, in 2010, nearly a third of young people said body image was their top personal issue—ahead of bullying, alcohol, drugs and even crime. The sheer scale of this problem is huge, and we must begin immediately to develop a plan of action. Kylie Burke, a psychologist, outlines the important role families and parents can play in combating negative body image. She states:

Healthy attitudes to body image are a family matter. If healthy eating and exercise are perceived as valued activities that are put into practice by the whole family, a child is more likely to focus on health and well-being rather than body shape. As with other challenging issues that occur when raising a family, it is vital for parents to have a strong, ongoing, positive relationship with their children. This means keeping the lines of communication open, giving plenty of positive feedback and sharing activities together.

That is an excellent point on this issue and I would encourage all parents to explain to their children that health should come before appearance and that a healthy lifestyle is much more important than a fashionable outward appearance. The fact that body image is an issue that concerns so many of our Australian youth is reason enough for me to believe that it should concern not only me and others in this chamber but the community as a whole. These young people are the future of our nation. They are the individuals who will one day stand in this chamber and I feel it is our responsibility to ensure they have the best possible start in life, not a start that includes self-doubt, self-dissatisfaction or uncertainty about their self-worth. At present, there is a conflicting message for young people about what a healthy body image is, and Mission Australia's manager of research, Anne Hampshire, summed this up well by stating:

We've got much more of a focus as a nation on the number of Australians who are overweight, including young Australians ... at the other end of the spectrum we've got an increasing focus on body beautiful and what constitutes an acceptable and a healthy body ... in fact, what's been presented as ultra thin probably isn't a healthy body for most of us. So, I think young people are getting a bit caught in between these two potentially conflicting messages.

The key message that I want to convey today is that there is so much more to someone than just their outward appearance. An unhealthy body image is characterised by thinking your body is bigger or smaller than it is in reality, by believing that you are not perfect on the outside and by thinking that how you look on the outside is your entirety. It is our responsibility to assure young people that this is simply not true. Not always are the kindest hearts and the sharpest minds to be found behind the most beautiful faces. We must do all that we can to assist our children to develop a holistic understanding of self and to understand that their outward appearance is only one small aspect of who they are.
I recently visited a number of primary schools throughout Launceston. It was reinforced to me time and again when I was at the openings of new facilities at these schools, under the Building the Education Revolution, how important it is for young people to be encouraged to have confidence and to have that reinforced not only by their parents but also at school. When I see young primary school age children leading the assemblies, there are times when I wish that I could have my education again, because these young people are going to be fantastic leaders of the future. They will make a wonderful contribution to our state parliaments, to the Senate and to the House of Representatives. I feel excited when I go to schools and hear the young people and see their talent, skills and self-confidence. So I think we as legislators have a responsibility to ensure that the media, along with the rest of the community, takes its share of the responsibility to ensure that young people do not get mixed messages, that we talk about a healthy lifestyle and that we do not try to reinforce the idea that, unless you are stick thin, you are not beautiful in the eyes of the public, because nothing is further from the truth.

We also have to be mindful that young people understand that, when they pick up their glossy magazines, all of which have something to contribute to our community, a lot of the photos are photoshopped. They are airbrushed and are not necessarily reality. I commend those modelling agencies that are moving to bring forward women who actually represent the general population, showing that it is just as important to have women on the catwalk that are a size 14, 16 or 18 and that you do not have to be a size 8 to be a model. Of course, we have to reinforce a healthy lifestyle. We have to eat healthily and we have to be active. All of that goes to reinforce that this starts at home. A family that eats healthily and does activities together will have a far more positive impact on their young people. We need to reinforce that through our education system, but as members of this chamber we also have a responsibility to speak up on these important issues.

Our future is in the hands of these young people. We have to give them the self-confidence. It is in all our interests to avoid things such as depression and the negative impacts that body image can have on the mental health of young people. It is not in any government’s interest to spend more money on health issues that we can avoid if only we change the way we look at each other.

I have raised this because I think it is important that we talk about these issues in this place. It carries on from the speech I delivered in the last session in relation to my concerns about baby beauty pageants and the negative impact they can have. From the outcry after the event that was held in Melbourne, and then taken to Western Australia, as I understand it, the public do not want the reinforcement that little children need to have fancy hairdos, false teeth and make-up applied to them to be acceptable. All children are worthy of being loved and supported in our community.

Member for Dobell

Senator RONALDSON (Victoria) (13:28): I would like to follow up my comments on 15 June this year in this chamber and also follow up the comments of Senator Brandis in relation to the Craig Thomson matter. Honourable senators will know, from my contribution last time around, that I referred to the use of Mr Thomson’s mobile phone to ring an escort agency and said that his credit card was used to pay for the services of an escort and also that his licence number was on the credit
card slip. But a new piece of information, which has come to light courtesy of Michael Smith from 2UE, is I think probably the most damning indictment yet of this succession of evidence that we are seeing in relation to Mr Thomson and Mr Thomson's veracity in relation to this matter. I will read out this from Mr Smith's blog on 2UE:

I just rang the number that appears on Craig Thomson’s mobile phone records on the night that the $2,475 was paid to Keywed Pty Ltd, trading as Sydney Room Service escort agency.

The phone was answered “Sydney Room Service.”

I said “I’m Michael Smith, I’m from 2UE and we’re doing a story on the use of credit cards for escort services. Can you tell if your clients need to show any further ID if they pay for your services with a credit card?”

The lady who didn’t want her name used said, “Yeah, if you pay with a credit card you must produce photographic ID.

I repeat that:
... if you pay with a credit card you must produce photographic ID.

It goes on:

That’s a standard practice throughout the industry.”

I said, “Are your staff instructed to check the photographic ID against the face of the person in front of them, the person who signs the credit card voucher?”

She said, “Yes, absolutely. They know that if that’s not done they don’t get paid. It happens 100% of the time.”

She explained to me that it had been standard practice for years and that driver’s licence numbers were also recorded on the back of the vouchers for further proof.

This will again explain why Mr Thomson's licence number was taken down and appeared on the back of the credit card slip. So we have again proof that it was Mr Thomson's mobile phone which rang the escort agency and also that it was his credit card and his licence number and now further proof, from the same escort agency, the Sydney Room Service escort agency, that no-one uses a credit card in that establishment unless they produce photographic identity, which is actually compared with the person standing in front of them, and their licence number is then written on the back as further proof.

On 15 June I said that the Prime Minister at that stage should do the right thing and seek this man's resignation. Clearly, as I thought might happen, the Australian Labor Party started to close ranks and within the last 24 hours we have now had further evidence of the extent to which the Australian Labor Party, the Prime Minister, senior cabinet ministers and backbenchers are closing ranks in relation to Mr Thomson.

The remarkable allegation is that Mr Thomson's legal fees are being paid by the union movement, by rank and file trade union members, by the people who clean this country's hospitals and who are members of the Health Services Union and who have already complained to Michael Smith about the abuse of these funds. They were their funds. It has also been alleged that nearly $200,000 went towards Fairfax's costs in relation to a defamation case. So we have got loans and we have got payment of legal fees! This is the Australian Labor Party, led by the Prime Minister of this country, which is now closing ranks in relation to this man. And we know that, following this loan, the only thing standing between Craig Thomson and bankruptcy is the Australian Labor Party, with loans and payments being made, and we know the only thing standing between Craig Thomson and section 44 of the Constitution is the payments by the Australian Labor Party because if he were a bankrupt he would no longer be entitled to be a member of this place, this Australian parliament. That is the only thing standing between Mr
Thomson and his rightful ejection as an elected representative of this country.

Senator Brandis has already referred to the fact that, remarkably, in the last 24 hours Mr Thomson has updated his entry in the Register of Members' Interests. Now every single person in this chamber, and I have no reason to assume that it is any different in the other place, knows full well what their obligations are, and indeed they are reminded by the clerks about what their obligations are—and I am sure there are people like me who spent 29 June going through and making sure that form was lodged by 1 July, to ensure that we complied with the requirements.

I want to quickly go back over some of the history but not at great length because I do not have the time to do that. We know that Craig Thomson lived the high life on the back of union credit cards. We know that he got cash advances and we know that he got payments for escorts, overseas trips and funds spent on his own election campaign and that, when Kathy Jackson from the HSU came in and took over as national secretary, she saw the extent of the rorting that had been going on and she herself reported this matter to Fair Work Australia. Not me, not anyone from the coalition but Kathy Jackson from the HSU referred this behaviour to Fair Work Australia for them to investigate. They are still investigating and if I have time I will refer to that later on. But, clearly, from the evidence that has been put forward in the last 24 hours that he had as much money as he wanted from the Australian Labor Party. So the reason for pulling out could not have been the fact that he could not fund the case. The only sensible and rational explanation for him withdrawing virtually at the door of the court was that he was advised by his legal advisers that he could not win this case. That is the only reasonable assumption to be taken from this, given everything that has happened.

Also, given Mr Thomson's complete denials of the allegations against him, he had an opportunity, which every Australian citizen has, to have his peers judge his evidence in relation to this matter, and he chose not to do so. Every single person who is listening today, every person who is now taking a keen interest in this issue will ask the very same question: why did Mr Thomson withdraw?

Senator Brandis has referred to some of the discussions that took place with Michael Smith, and I will not go through them. What
I want to do now is talk about the Prime Minister and her response. The only response that we have had from the Prime Minister— and Senator Brandis read this into the Hansard, and I will do the same—is:

I have complete confidence in the member for Dobell. I look forward to him continuing to do that job for a very, long, long, long time to come.

Steve Lewis from News Ltd went to the Prime Minister two days ago and asked her whether she had had conversations with Mr Thomson in relation to this matter. Remarkably, the response was that she had not had detailed conversations with this man. This matter has been going on for in excess of two years and the Prime Minister of this country, who continues to use wafer-thin excuses to maintain her wafer-thin majority, has refused to speak to this man in detail about the allegations against him. So is this a Prime Minister who does not care to inform herself of the circumstances surrounding this case because she will protect Mr Thomson regardless; or is it that, if she had those discussions with him, she would have no choice but to act? They can be the only two scenarios which would explain her failure to do so.

The other information that has been put forward recently is that of the so-called handwriting expert, which Mr Thomson himself engaged to look at these credit card slips and his signature. Not once have we heard about this from Mr Thomson, despite his vehement denials about the allegations. A letter that he sent to colleagues, which I have seen, says that these allegations against him are false. Not once have we heard about the handwriting expert. He withdrew from the case—a case he had run with great vigour and at enormous expense. When he had the chance to put the handwriting expert on the stand to prove that this was not his signature, what happened? He squibbed it and pulled out. Again, you can only answer that question with one answer: he refused to put that handwriting expert on the stand because the handwriting expert refused to support his new allegations that someone else was involved in this. As Senator Brandis said, if you have got someone who picked up your credit card and your mobile phone and went and passed themselves off as you at a brothel, it beggars belief that this matter would not have been reported to the authorities, that we would not have heard something about this mystery man repaying $15,000 when it was Mr Thomson who actually authorised those payments and saw the signatures on the credit card. If his evidence is correct, he must have known at that stage that that was not him. We have not heard one single word about this latest excuse for the lies that have been told in relation to this matter.

I just want to talk briefly about some of the investigations that are still underway. Fair Work Australia is investigating this matter on behalf of the Health Services Union. The HSU asked Fair Work to do that. What we want to know is whether Fair Work Australia will be investigating the recent breaches which we have heard about in relation to Mr Thomson's conduct. The AEC now has further evidence about Mr Thomson's claim that no union funds were put into the Coastal Voice—and my colleague Senator Fierravanti-Wells knows all about this, particularly after last Sunday. Money was put into Coastal Voice, which Mr Thomson has denied. Ms Crislee Stevens from the union has again confirmed that. This is a matter that demands the immediate intervention of Australia's Prime Minister. She can run, but she can no longer hide from this matter. (Time expired)
Tarkine Wilderness

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (13:43): I rise today to discuss the issue of the protection of the Tarkine in north-west Tasmania. The Tarkine is a magnificent natural area, which is home to many threatened and endangered species and is the largest tract of temperate rainforest in the Southern Hemisphere. It is the last bastion of the Tasmanian devil in the wild. It is an area where, fortunately, the Tasmanian devil facial tumour disease has not yet made an impact on the Tasmanian devil population. This area of Tasmania, renowned for its natural beauty, for its wilderness and for its magnificent forests, has been under threat for many years. It has been the subject of discussion time and time again in this Senate. But, tragically, both Liberal and Labor parties have retreated from their stated objective of protecting the values of the Tarkine.

I note that in September 2007 Senator Bartlett—the then Democrats senator—put to the Senate a motion which was unanimously supported. This was prior to the election; it was under the Howard government. The motion was:

That the Senate

(a) acknowledges the World Heritage significance of the Tarkine wilderness in the north-west of Tasmania;
(b) notes that a nomination for the Tarkine to be listed on Australia's National Heritage list was submitted in 2004;
(c) notes the Government has:

(i) placed the Tarkine National Heritage nomination on the Australian Heritage Council's 2007-08 priority assessment program,
(ii) indicated it will thoroughly and carefully assess this complex nomination, including the public consultation required by the provisions of the Environment Protection and Biodiversity Conservation Act 1999, and
(iii) asked the Australian Heritage Council also to examine, identify and advise the Minister for the Environment and Water Resources (Mr Turnbull) of any World Heritage values contained in the areas proposed; and
(d) supports:

(i) subject to listing, the development of strategic and conservation management plans for any listed areas, and
(ii) the development of sensitive and appropriate eco-tourism infrastructure only after thorough assessment of potential impacts on any National Heritage-listed areas under the Act.

That was passed unanimously under the Howard government in 2007 and says specifically that the Tarkine national heritage nomination had been put on the Australian Heritage Council's 2007-08 priority assessment program.

We have discovered in recent years that no such thing occurred. That was a deliberate misleading of the Senate by the government of the day. The minister at the time was Malcolm Turnbull, a current member in the House. That motion was agreed in this house and it was assumed by all the people working on the Tarkine campaign that that reference had been made by the minister of the day onto the Australian Heritage Council's priority assessment program. Now we have discovered, through work that has been done at the ANU and extensive searching of the files and so on, that that was never done. In all those years, people assumed this was a process that was going on and it did not occur.

In the meantime threats to the area have considerably increased, to the point where we now have a situation where the Bartlett government in Tasmania—the previous Labor Premier of Tasmania—was going to build a road through the Tarkine. That road provided a great threat to the area and led to its emergency listing on the National Heritage List while that threat was...
assessed. That emergency listing came to an end at the end of last year. Minister Burke was asked to extend the period of the emergency listing because not only was the road issue unresolved at that point but also, in particular, the mining industry had moved into the area big time with an expectation that up to 12 mines could enter development in the Tarkine.

We have proposals from Shree Minerals for iron; from Venture Minerals; from Tasmania Magnesite; from Bass Metals; from Minerals and Metals Group; from Bluestone Mines; and from Grange Resources. Additionally, there are 56 exploration licences covering the Tarkine by 27 holders, including two retention leases and six exploration release areas. We have a situation now where the mining industry is moving in big time. Minister Burke was asked to extend that emergency listing and in March this year he let it lapse. The Tarkine coalition—the environment groups who are running a campaign and have been for many years to have the area protected—called for emergency listing of the Tarkine particularly because of the Shree Minerals proposal, but also other mining proposals. The coalition asked Minister Burke to reimpose the emergency listing because of the established values, which had been acknowledged and agreed in this Senate some years before, but Minister Burke refused to make an emergency listing, saying instead that he would go through the process under the EPBC Act of a consultation period, knowing full well that while that consultation period was going on, and for however long it took, the values of the Tarkine were under attack and under threat from the mining industry—in particular some of those substantial projects that I have just mentioned. Some of those mining companies have gone to the stock market and said that there are world class resources in scale, size of area, and the quality of the resource. They were out there saying that would be essentially where they are going on the Tarkine.

The minister knows full well that those mining leases and the mining industry's assault with drilling and exploration is going on as we speak. Now there is a consultation going on to consider the listing of the Tarkine on the National Heritage List and, consequently and hopefully, the World Heritage List. Now we have a situation where that consultation is taking place but the community has lost any kind of confidence that the government is serious about protecting the Tarkine. If the government was serious about protecting the Tarkine it would have moved a very long time ago. We still do not have an explanation from former Minister Turnbull as to why he said at the time that he had referred this for consideration and never, ever did so.

The community in Tasmania deserves an explanation, not only from Mr Turnbull as to why he never did so but also from Minister Burke as to why he has stood back and not placed it on an emergency listing. What has been done is a virtual wink-wink, nod-nod to the mining industry to say: 'Get your resources going, get your exploration and drilling underway. Under this consultation process we're looking at the natural heritage values of the Tarkine and if you've already got your stake in there and become established by the time we get around to doing anything, it's going to make for a conflict of interest and a big question mark as to what eventually is protected.' At the same time, the situation with the forest agreement in Tasmania is that, yes, there is an agreement to not log but there is no agreement to not mine. As long as an area in Tasmania is not a national park, it can be subject to mining. We know that the heart of the Tarkine that conservation groups want to be made a national park is the area that the
mining companies want to access to develop a major mine, which will destroy not only many of the natural values of the forest but also the magnificent caste system. The Tarkine has a globally renowned caste system, not to mention the threatened species there.

I am calling on the government today to get serious about protecting the Tarkine. The people of Tasmania are watching very carefully what Minister Burke is doing. When the Labor Party were in opposition, they supported this in the Senate in 2007. So the people of Tasmania are asking why the Liberal and Labor parties in Tasmania voted down a motion that I moved earlier this year that was virtually the same. They voted against a motion in this Senate that I moved only a couple of months ago to do exactly the same as the Senate had agreed to do several years before. One can only assume that that is because the values held by the Liberal and Labor parties have changed when it comes to the conflict of interest between resource extraction by the mining industry and the protection of threatened and endangered species and national environmental heritage. The conclusion that the environment loses in favour of mining can very easily be drawn based on the experience in the Tarkine.

Today, I am calling on my fellow senators to look at this process very carefully, to recognise there is community consultation in Tasmania in relation to the Tarkine and to support what is the logical conclusion here—that is, a National Heritage listing and a national park for the Tarkine in north-west Tasmania. The current area of the national park in the Tarkine is very small. Less than five per cent of the 447,000 hectares, which is the reserve proposal by the Tarkine Coalition, is in a secure protected area. The rest of the Tarkine is in some sort of reserve or not reserved at all—and the reserves are such that they would not preclude the mining industry.

Minister Burke has a credibility issue as far as people in Tasmania are concerned regarding the Tarkine. We do not accept the fact that he failed to renew the emergency listing knowing full well the threat from the mining industry was there. We will watch extremely closely what the minister does in relation to this consultation process from the Heritage Council as to what happens in the Tarkine. It is also critically important for regional development. The north-west coast of Tasmania, as we are all aware, has issues with ongoing employment. We have lost several processing industries there in recent times, including McCain's at Smithton, a vegetable processing facility.

We desperately need to not only protect areas of outstanding natural value in north-west Tasmania but build the infrastructure that will support a tourism industry in the long term. Of course the Tarkine is central to that and it is central to the reputational value of the north-west as a place where people go to stay an extra couple of days. At the moment, the tendency is to get off the Spirit of Tasmania at Devonport and head to Hobart, to the east coast or to the west coast and cut across to Cradle Mountain and then back to the boat, and miss the north-west of Tasmania. It has a population base that deserves this support. There is no doubt that if it is made a World Heritage area, it would add to the reputational value by bringing more visitors and highlighting the products produced in the area.

The north-west coast has the cleanest air in the world, as measured by the clean air station at Cape Grim. It has the largest tract of temperate wilderness forest. It has a world-class caste system. It is the home of the last vestige of the Tasmanian devil in the wild. This needs to be protected not only as
part of Australia's national heritage but also as part of a regional development strategy for north-west Tasmania. Mines that go into the area may last a short time and when they are gone the community will have no long-term strategy on which to base future development. Protection of the Tarkine is a critical component of where we need to go. Coming out of this forest process in Tasmania, I am aware that the federal government is putting money on the table for regional development. Protection of the Tarkine in association with some of that spending to build interpretation centres is critical for the future of north-west Tasmania. I would urge all senators to think very carefully about the long-term future of the Tarkine and to get behind its permanent protection.

QUESTIONS WITHOUT NOTICE
Member for Dobell

Senator RONALDSON (Victoria) (14:00): My question is to the Minister representing the Prime Minister and the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator Evans. I refer the minister to a statement made by the member for Dobell to Michael Smith on 2UE radio where he admits he authorised the use of his union funded credit card to pay for escort services. Given the member for Dobell's public admission, can the minister advise whether the member for Dobell has been interviewed by Fair Work Australia and whether or not he has made a similar admission when interviewed by Fair Work Australia? What guarantees can the minister provide to the Senate to ensure Fair Work Australia is aware of the comments made by the member for Dobell?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:00): I thank the senator for the question. As the Senate would be well aware, any investigations or inquiries made by Fair Work Australia are undertaken by them under their powers under the act. They do not consult with the minister about those investigations. They certainly do not ask for my authority. They do not relay to me information they have gathered. They conduct their investigations in accordance with their charter. I have no understanding of their investigations beyond the evidence that was led at Senate estimates, where Senator Ronaldson was largely the lead questioner. The authority has provided Senator Ronaldson with answers to the questions he asked. I was present for those and heard that information. Beyond that, I have not been briefed by Fair Work Australia. I have not sought information from them on the progress of their inquiries. No doubt those inquiries will be completed professionally, in accordance with statutory obligations, and Fair Work Australia will take whatever action they think appropriate, but it is not something that they engage with me about, nor would it be appropriate for me to be involved in their decision making in such an inquiry.

Senator RONALDSON (Victoria) (14:02): Mr President, I ask a supplementary question. I refer the minister to the ongoing Fair Work Australia inquiry into the alleged misuse of union funds from the time that the member for Dobell was the National Secretary of the Health Services Union. Can the minister advise the Senate when the inquiry will be completed and whether the report of the inquiry will be made public?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:02): First of all, I indicate to Senator Ronaldson that I think my first answer would inform a response to the supplementary
question. In terms of information about when Fair Work Australia will complete their inquiry, I think it is reasonable for me to take that on notice and make those inquiries to see whether they are prepared to share that with me. I think they probably will but I will take that on notice. As I say, I will contact Fair Work Australia and see if they are able to provide information about when they expect their inquiries to be completed. If they are able to provide me with that information I will report it to the Senate.

Senator RONALDSON (Victoria) (14:03): Mr President, I ask a further supplementary question. I refer the minister to comments made by the Minister for Social Inclusion in relation to the member for Dobell where she said:

It is inappropriate for, I think, any business—any union—to use shareholder funds, or member funds to purchase sexual services.

I think it's completely inappropriate …

In light of the minister's portfolio responsibilities, does the minister agree with the Minister for Social Inclusion that union funds, which come from union members, should not be used to procure services at escort agencies?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:04): I suppose the first thing to say is that decisions about the use of funds lie with the unions concerned and their membership and ought to be authorised accordingly. I certainly do not regard it as appropriate for a union to use their members' funds in that way. Clearly any breach of union rules or procedures would be up to them but, if you are asking for my opinion, I do not think it is an appropriate use of union funds.

Superannuation

Senator SINGH (Tasmania) (14:04): My question is to the Minister representing the Minister for Financial Services and Superannuation, Senator Sherry. Can the minister inform the Senate how the Gillard government is ensuring Australia's long-term economic future through its superannuation strategy? How are these reforms and those of previous Labor governments maintaining a stable and certain environment for savings, investment and retirement income planning?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:05): I thank Senator Singh for her first question—on superannuation, of all issues. This week is the 20th anniversary of the announcement of the introduction of compulsory nine per cent superannuation. We on the Labor side are very proud of the implementation of this policy. It has led to the creation of a savings pool of some $1.3 trillion, which is particularly important in these uncertain economic times. It is also particularly important for the stability in investment and savings that it provides to our economy. Of course, there were many critics 20 years ago. In fact we hear the same sorts of criticisms today of the mining tax and the carbon tax that we heard of the superannuation guarantee all those years ago. In 1985 Mr Downer said about compulsory superannuation:

It casts aside the Government's concern that it once said it had for the business community and the capacity of the business community to create wealth in the economy … this whole superannuation deal is one of the most underrated threats to the future stability of Australia's economy, and indeed to the capitalist system … This is a dramatic leap towards the objective of socialism…
That is what we heard from those opposite and they have not changed their view. They have the same dire warnings on the impact of the mining tax and the same dire warnings on the impact of the carbon tax. Of course, in time they will also be proven to be untrue. Indeed, those measures will strengthen the Australian economy, just like compulsory superannuation has done for this country. We propose to go further with superannuation. We propose to cut the contributions tax—

(Time expired)

Senator SINGH (Tasmania) (14:07): Mr President, I ask a supplementary question. Does the government believe that fundamental superannuation reform challenges remain, and what reformist policies will the Gillard government pursue to address these issues?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:07): As I was saying, we propose to use some of the money from the mining tax to reduce the contributions tax for millions of low- and middle-income Australians. We intend to reduce, and abolish in most cases, the contributions tax paid by low-income earners. We propose to increase the superannuation guarantee from nine to 12 per cent. What do we hear from those opposite? The same negativity, the same criticism which has proven to be untrue. We still hear the same lines, the same mantra—we still hear the same lines on the carbon tax and we still hear the same lines on the resources tax. Of course they say they are going to scrap the resources tax. How are they going to find the $70 billion in savings? One of the things they will have to do is increase the contributions tax for low- and middle-income earners after they scrap, if they ever get into government, the mining tax. The mining tax helps pay for tax cuts in superannuation. (Time expired)

Senator SINGH (Tasmania) (14:08): Mr President, I ask a further supplementary question. Is the minister aware of any alternative policies to the historic achievements of the Gillard government and of previous Labor governments, and do these alternative policies—

Honourable senators interjecting—

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

Honourable senators interjecting—

The PRESIDENT: The time for debate is after 3 pm. If you want to keep this up, we will just chew up question time. Senator Singh, continue.

Senator SINGH: Do these alternative policies pose threats to our economy?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:10): We have had conflicting statements from those opposite on the issue of superannuation and the increase in the nine per cent superannuation guarantee. It is hard to work out what their policy is. Back in May Mr Abbott said he had no plans to increase the super guarantee—and little wonder, because it is funded at least in part by the revenue from the resources rent tax. Apparently this was not communicated to Mr Hockey last night, who had yet another fairly embarrassing interview on 7.30. He wriggled around, refusing to identify where he was going to make savings, including any savings he might make on the superannuation guarantee. He is having great difficulty because he has to find $70 billion in savings, after they have scrapped the mining tax—if they ever get into government. After they scrap the resources tax the Liberal-National
Party have to find tens of millions of dollars to fund all the promises they have made. The Liberal-National Party are wreckers. They have no policies and, if they do, those policies just contradict each other. They are just wreckers who have no regard for the future of the Australian economy. *(Time expired)*

**Energy Efficiency**

**Senator SCULLION** (Northern Territory—Deputy Leader of The Nationals) (14:11): My question is to the minister representing the Minister for Climate Change and Energy Efficiency. I refer the minister to statements made in the government's Clean Energy Future campaign that households should switch from electric to solar hot water. Does the minister stand by the government's claim that this will save money?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:11): The government has engaged in a campaign to ensure that households have a range of options they can look to to reduce their energy usage. That is a sensible thing to do. Regardless of what your views might or might not be on climate change, one would have thought it was sensible to give households information, should they require it, so they can choose the best options for them to reduce their use of energy, thereby ensuring that they can reduce their electricity costs from what they might otherwise have been and save money. I remind Senator Scullion that support for that sort of system was bipartisan in the context of the renewable energy target discussions. I remind him that his party—and certainly Mr Hunt, with whom he might not agree—has previously indicated a great deal of support for the solar industry and so, if the senator is suggesting that somehow the opposition no longer is supportive of solar, perhaps he could indicate what the change in opposition policy is.

The approach we have taken in relation to climate change has been to lay out a comprehensive plan that puts a price on carbon as the most economically efficient way to move to a clean energy future, that invests in renewables and also ensures households have the information they need to make changes to their energy consumption if they so wish. I also remind Senator Scullion of this fact: his party shares the position of the government in terms of the reduction by 2020 of five per cent. The difference is, its plan costs more and it will cost Australian taxpayers more.

**Senator SCULLION** (Northern Territory—Deputy Leader of The Nationals) (14:13): Mr President, I ask a supplementary question. Can the minister explain why the government's housing program SIHIP is removing solar hot water systems and replacing them with electric systems in refurbished houses and installing electric systems in new houses? Does the government not believe in its own claims or is this just another example of the government botching another one of its programs?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:14): I am not the minister to whom that question should be addressed. As the senator knows, that program resides in Minister Macklin's portfolio, from recollection, and I think the question should properly have been addressed to Senator Arbib. It is unfortunate that the opposition remain so lazy when it comes to preparing for question time that they cannot ask the correct minister the question. Really one should not be surprised by their laziness because you see it when it comes to their economic position and their economic policies. Mr Hockey has belatedly
realised the price tag on all of Mr Abbott's promises.

Senator Scullion: On a point of order as to relevance, Mr President: the question I asked I prefaced by indicating that the minister was responsible for the Clean Energy Future campaign and in my supplementary question I asked her specifically whether the government believes in its own claim, which she made in her first answer, and whether or not this is another example of the program. She has made no attempt at all to answer any part of the question.

The President: Order! There is no point of order. Senator Wong has nine seconds remaining to complete the answer.

Senator Wong: As I said at the outset, if the senator had asked the correct minister about the SIHIP, which is what he asked about, he might have got an answer.

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (14:16): Mr President, I ask a further supplementary question. This question is well within their portfolio ambit. Is the minister aware that electric hot water systems use the most electricity in the average house? Can the minister explain how low-income earners will be able to pay for the increases in their power bills resulting in the double slug of the removal of their solar hot water heating and the introduction of the government’s carbon tax?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:16): I am very happy to answer the question about low-income households because on this side we have a very clear plan as to how to assist low-income Australians to deal with the impact of a carbon price. We have laid them out: tax cuts for every Australian earning less than $80,000 a year, tax cuts which you will wind back. You are going to have to go to the next election with a policy of increasing taxes for all Australians, unless you are prepared to come in here and tell us how you will fund them. I would suggest, Senator, that may be a long time coming.

Let us remember, we on this side will be reducing income tax, increasing the pension, providing assistance to self-funded retirees with our policy. On that side we have an unfunded policy to add to the $70 billion black hole—more economic illiteracy.

James Price Point

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:17): My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy. I ask about the recent sightings of one adult and three baby bilbies at the site of the proposed James Price Point gas hub, which is prime habitat for the bilby. Bilbies are acknowledged as a vulnerable species by both the WA and federal governments, yet Woodside has begun clearing on this site. Does the uncontrolled clearing through this area contravene the government's own bilby recovery plan, and has the minister asked his department to consider this evidence in light of that recovery plan and the EPBC approvals process?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:19): I thank Senator Siewert for her question. As you would be aware, we are working with the Western Australian government on a strategic assessment of this proposal. The strategic assessment process requires all potential environmental heritage and social impacts to be fully assessed. The proposal will proceed only if approved by both the Western
Australian government and Minister Burke. Minister Burke visited the Kimberley earlier this month and in November last year.

Public comments on the strategic assessment closed on 28 March 2011. Recent reports have noted that a majority of traditional owners agree to support a liquefied natural gas precinct at James Price Point. The proposal is still subject to a strategic assessment under national environmental law. The government will be in a position to make a decision on the plan to develop the precinct once all matters required by the terms of the strategic assessment have been appropriately investigated.

Minister Burke has been advised that there have been two referrals in relation to a road to James Price Point. The first was a four metre wide track. Minister Burke has also been advised that in November last year a Department of Sustainability, Environment, Water, Population and Communities delegate determined that the proposal was not a controlled action. The department has determined that the access track was unlikely to have a significant impact on matters of national environmental significance. The second proposal from the Western Australian government for a 45-kilometre sealed road is also being determined. This proposal was not a controlled action.

Minister Burke has been advised that Woodside has been in contact with the department regarding the clearing of up to 25 hectares of vegetation at James Price Point. Minister Burke is aware that departmental officers have reviewed the proposal and have concluded that significant impacts on matters of national environmental significance are unlikely. In its consideration of the proposal, the department took a precautionary approach. This included assuming the greater bilby—(Time expired)

Honourable senators interjecting—

The PRESIDENT: When there is silence, we will proceed.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:21): I notice that the minister did not get around to talking about the bilbies, which was the object of my question. I knew all the rest of it already. Mr President, I ask a supplementary question. I want to know: has the government taken any action around the sightings of bilbies, which Woodside had not found? They are clearing the habitat now. What is the government doing about it? It is fairly simple.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:21): As I was saying, in consideration of the proposal the department took a precautionary approach. This included assuming the greater bilby was present at the site. The department will be conducting a compliance inspection of James Price Point. The inspection will help to ensure that any activities at the site are meeting the requirements of national environmental law. Minister Burke understands that the compliance inspection will cover work on an access road as well as the clearing of up to 25 hectares for exploratory drilling. Minister Burke has been advised that this inspection is likely to take place this week, although that may be delayed until early next week as apparently there are reports of a bushfire at the site. On the issue of the Kimberley heritage assessments under the EPBC Act, the James Price Point strategic assessment process is separate from the broader Kimberley heritage assessment. Minister Burke has extended the deadline for a decision on the heritage assessment until the end of August.
Senator SIEWERT (Western Australia—Australian Greens Whip) (14:22): Mr President, I ask a further supplementary question. Given that sightings have now been confirmed at the site where the clearing is occurring, will the government put a stop-work order on and now properly assess this clearing, given that they originally did not assess it?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:23): As I mentioned in my earlier answer, the department assumed the greater bilby was present at the site and we will be conducting a compliance inspection. This inspection will help to ensure that any activities at the site are meeting the requirements of national environmental law.

Carbon Pricing

Senator BIRMINGHAM (South Australia) (14:23): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Can the minister confirm whether the government has undertaken Treasury modelling on the impact of the carbon tax based on a starting price of $23 per tonne?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:23): The senator would know that we have undertaken modelling in relation to a carbon price and the details of that modelling were released, from memory, on the day that the Clean Energy Future package was released. It might have been earlier; I cannot quite recall the dates. It is the case that the Treasury modelling itself was based on a $20 starting price. However, the modelling of the household impacts and the government's household assistance package was based on a $23 starting carbon price. That has been made public. The budget impacts that were released on that day were also calculated based on a $23 carbon price.

As part of the wide-ranging scare campaign the opposition has engaged in, I have seen some commentary from those opposite suggesting that this somehow throws doubt on every single aspect of the government's package. That is simply not the case. Let us keep in mind that this is modelling over a number of decades. So, whilst there might be a slight difference in the price in the first few years, we are looking at long-run modelling. That modelling is the same sort of modelling that, for example, Peter Costello would have used in the context of the Intergenerational report. It is the case, as I said, that some of the key figures which have been the subject of discussion and which are important for the purposes of sensible public debate have been modelled on a $23 starting price. I would make the point that, contrary to the assertion of those opposite that somehow this will ensure the sky falls in, we can still grow the economy and grow jobs with a carbon price. (Time expired)

Senator BIRMINGHAM (South Australia) (14:26): Mr President, I ask a supplementary question. Given the government's failure to undertake the Treasury modelling of its carbon price at the price of $23 per tonne it is actually proposing, can the minister advise whether the Treasury modelling is based on a 50 per cent cap on the purchase of permits from overseas or does it still assume the unlimited purchase of permits?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:26): In relation to the first part of the question, this is the difficulty when you have questions written ahead of time and you do
not listen to the answer. I have addressed the question in relation to the starting price issue. I would again make the point that what the Treasury modelling does show very clearly is that we can continue to grow the economy, we can continue to increase jobs and we can continue to increase our incomes with a carbon price. That is the reason why senators opposite used to support a price on carbon.

Senator Birmingham: On a point of order, Mr President: with only four seconds left on the clock, I draw your attention to the direct relevance of the minister's answer. The supplementary question went to the purchase of permits from overseas under the carbon tax regime. The minister has not mentioned the purchase of permits from overseas at all in the 56 seconds of her answer to date.

The President: The question was broader than that. There is no point of order.

Senator Birmingham (South Australia) (14:27): Mr President, I ask a further supplementary question. Given that the Treasury modelling the government is relying on is based on the wrong price for the carbon tax and wrong assumptions about the operation of the carbon tax, why and how should Australians believe anything this government has to say about the impact of its carbon tax?

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:28): I suspect the question really is: why would anyone believe those opposite on anything to do with climate change? They have—and they always forget this—the same target as the government. They want to reduce emissions by five per cent. The difference is that they are going to take money from Australian taxpayers, give it to the big polluters and hope that there might be some difference. In that process they will blow a massive hole in the Australian government budget or they will have to raise taxes. That is the difference. That is why no credible economist anywhere supports their policy. This is the sort of economic illiteracy you get from an opposition which has to find $70 billion worth of cuts just to get to the starting line—not for more promises; just to get to the starting line—because of all the mistakes they have made to date.

Workplace Relations

Senator Pratt (Western Australia) (14:29): My question is to the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator Evans. Can the minister please inform the Senate how the government has protected penalty rates for hardworking Australian families, and how important these rates are in helping families meet the cost-of-living pressures they face?

Opposition senators interjecting—

Senator Chris Evans (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:30): I thank the senator for her question and I can assure Senator Abetz I will not be mentioning him six times; he is not that relevant. It is an important question because Labor have delivered on our promise to consign the coalition's Work Choices legislation to the dustbin of history and to put in place the Fair Work Act. That act ensures that workplaces are underpinned by fairness and delivers flexibility and opportunities for employers and employees.

We all know what Work Choices meant for hardworking Australians. Under that legislation workers could be forced to sign a take it or leave it AWA which stripped away basic entitlements without compensation and without the oversight of an independent umpire. The facts speak for themselves. Under Work Choices 64 per cent of AWAs
cut annual leave loading and 63 per cent reduced penalty rates for ordinary working people. Women workers were particularly badly hit by those changes.

What the Liberal Party do not understand is that millions of Australian families rely on penalty rates to help meet their everyday costs. Those penalty rates are part of their weekly budgets and help pay for the food, the mortgage and the standard of living that they enjoy. The Liberal Party's intent to undermine penalty rates is fundamentally an attack on the wages and conditions of Australian families. They compensate people for working antisocial hours, but we have put in place the new better off overall test for enterprise agreements which ensures that those conditions are protected. Penalty rates are an important part of the standard of living of millions of Australians and they need to be supported.

Senator PRATT (Western Australia) (14:32): Mr President, I ask a supplementary question. Could the minister please explain what the key measures are that have been put in place to secure and protect penalty rates from being ripped away from Australian families?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:32): I thank the senator for her supplementary question. As we promised the Australian people, the government have ended the take it or leave it AWAs that stripped away wages and conditions such as penalty rates. By introducing the Fair Work Act we have established a fair safety net for employees, one part being the modern industry awards. These awards enshrine entitlements tailored to the specific needs of workers in businesses in a particular industry. Importantly, these modern awards contain entitlements like penalty rates for workers who spend time working on weekends, public holidays or doing shiftwork.

We are proud that our system supports fair compensation for those people working unsociable hours. The Fair Work Act introduced a new better off overall test for new enterprise agreements. That test ensures that Australian workers have their entitlements, including penalty rates, protected. We protect their standard of living through our industrial relations legislation. (Time expired)

Senator Cormann interjecting—

The PRESIDENT: Senator Cormann, I remind you that constant interjection is completely disorderly.

Senator PRATT (Western Australia) (14:33): Mr President, I ask a further supplementary question. Is the minister aware of any threats to the penalty rates for hardworking Australian families?

Opposition senators interjecting—

The PRESIDENT: I will give the call when there is silence. The minister.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:33): Thank you, Mr President. We all know that the greatest threat to the family budget, of course, is the coalition. Last month Tony Abbott endorsed the extreme Work Choices law of the Howard government as good policy and made it clear it continued to have his personal support. He said: ‘Work Choices didn't fail because it was bad policy. It failed because it had never been put properly to the people.’ So Tony Abbott asserts that the failure of Work Choices was merely a failure of salesmanship not of policy.
We know that the Liberal Party does not change on this question and, despite Senator Abetz trying to keep the talk down and telling people they ought to continue to run the line 'we are working on new policy', we have seen backbencher after backbencher—and of course the return of Peter Reith—arguing the case for abolishing penalty rates and arguing the case to rip Australian families of much needed income. The Liberal Party is a threat to Australian wages.

(Time expired)

Honourable senators interjecting—

The PRESIDENT: I am waiting for quiet on both sides. If you want to have the debate, it is after three o'clock. Senator Cameron, this does not help question time.

**Carbon Pricing**

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:35): My question is to the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs and Minister representing the Minister for Social Inclusion, Senator Arb. Can the minister advise whether voluntary organisations like scouts, local football clubs and lifesaving clubs, together with charitable and not-for-profit organisations, will receive compensation for carbon tax cost increases?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:36): The federal government will provide assistance to community organisations, and this has been outlined extensively by the Prime Minister and by Minister Combet. Charities around the country will be supported as we transition to the Clean Energy Future. The Low Carbon Communities program will fund grants for local councils and community organisations to retrofit or upgrade community-use build-

ings to reduce their energy use. This will cut their energy costs and serve as demonstration projects to promote energy efficiency in the community. There will also be a dedicated funding stream under the Low Carbon Communities program to provide payments to charities to offset the carbon cost they will face for aviation fuels and fuels used for maritime purposes that will attract an effective carbon price under the fuel excise and tax credits scheme. This funding will be provided on an ongoing basis. So there will be support. We have also committed $53.6 million over four years to establish the Australian Charities and Not-for-profits Commission from July next year to reduce compliance costs and make it easier for not-for-profits to go about their business of continuing to a fairer—

**Senator Fifield:** Mr President, a point of order on relevance: I am not sure that Scout groups, for instance, use a heck of a lot of aviation fuel, so I am not sure how that particular measure would help these organisations. The question was specifically about compensation for carbon tax cost increases—not about retrofitting, not about light bulbs but cost increases.

The PRESIDENT: There is no point of order. I believe the minister is answering the question and has 30 seconds remaining to answer the question.

**Senator ARBIB:** Thank you, Mr President. I was talking in terms of charities as the question related to them. Let us look at the alternative. Let us look at direct action and the effect that is going to have on charities and households, because we now know that the average household will be over $1,000 worse off under direct action—taking money from families and from the communities and giving it to big business. This is the policy under the Liberal Party.

(Time expired)
Honourable senators interjecting—

The PRESIDENT: When you have ceased the debate across the chamber, we will continue.

Senator Sherry interjecting—

The PRESIDENT: Senator Sherry, I have invited people to desist from debating this across the chamber. The time you can debate it is past three o'clock.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:39): Mr President, I have a supplementary question. We have still heard not a word from the minister about direct compensation for cost increases for these organisations. Can the minister explain how the government expects local footy clubs or organisations like the St Vincent de Paul Society or the Salvation Army to compensate for the shortfall in their running costs as a result of the carbon tax and what are the government's expectations for voluntary organisations to cover the increased costs from the carbon tax—more fundraising or reduced services?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:40): I note that Senator Fifield talked about running costs, and that is exactly what I have been talking about in terms of charities. In terms of sporting clubs in particular, the expanded Low Carbon Communities initiative will provide $330 million over four years to support local councils supporting community groups and to support sporting organisations to reduce energy consumption and pollution. Senator Fifield talked about running costs. That is exactly what the government is providing in supporting these organisations. Again, Senator Fifield and the Liberal Party should be honest about what they are intending to do through direct action, moving the cost from big business on to families, on to households. Households will have to find over $1,000 extra because of direct action, because of the policies of the federal Liberal Party. They do not talk about it. They are trying to hide it, but we are going to remind them because their time is coming on that one. (Time expired)

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:41): Mr President, I have another supplementary question. Given the substantial impact the carbon tax will have on charitable organisations, how does this sit with the government's much hyped compact with the not-for-profit sector?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:41): Senator Fifield knows full well the support that this federal Labor government has given to the not-for-profit sector, the support during the global financial crisis that we provided to that sector. Liberal senators on that side voted against support to charities. They voted against support through the jobs fund—they voted against it time and time again. They should be ashamed of themselves. Senator Fifield has the hide to come in here and question our commitment to the not-for-profit sector. We have worked with them day in, day out.

Senator Fifield: Mr President, a point of order on relevance: the minister is not even being relevant to his own policies. The government only provided $11 million in direct funding support during the financial crisis.

The PRESIDENT: That is debating the issue. Order! The debate on the issue takes
place after 3 pm, as I keep pointing out. The minister has 22 seconds remaining.

Senator ARBIB: Mr President, I am being directly relevant to the question Senator Fifield asked about our commitment to not-for-profits, to the charity sector. There is $5 billion going now into the homelessness area, 180 extra services being rolled out. We have made the commitment. Those over on that side cut funding of services and now they have a $70 billion black hole. That money is going to come out of services. (Time expired)

Carbon Pricing

Senator MADIGAN (Victoria) (14:43): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. At the recent Select Committee on Scrutiny of New Taxes hearing into the carbon tax mechanism in Canberra, I drew the attention of Treasury officials to the fact that each of the documents produced by the government regarding the carbon tax contained a disclaimer stating:

The Commonwealth of Australia does not necessarily endorse the content of this publication.

Each of the publications I opened—‘Clean Energy Australia'; 'Strong Growth, Low Pollution'; 'Securing Clean Energy Future' and 'Securing a Clean Energy Future'— contained this disclaimer. On each one I found this disclaimer. My question to the minister is: does the government have so little faith in the modelling provided by Treasury that it cannot accept responsibility for the figures being used to promote its carbon tax?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:44): I thank Senator Madigan for the question. I have seen some public commentary about this. Although I was not there, I understand—and you have also indicated in your question—that this was raised at the committee hearing recently. I understand that the disclaimer to which you refer is a standard disclaimer in government documents.

Senator Brandis interjecting—

Senator WONG: And that means no matter who is in government, Senator Brandis.

Senator Brandis interjecting—

The PRESIDENT: Senator Brandis, it is not your question. I think Senator Madigan is entitled to hear the minister's answer and then ask a supplementary question.

Senator WONG: I do not have the document to which the senator is referring. I do have one of the previous budget papers, and I think it is the same disclaimer. It states that the Commonwealth's preference is that this publication and any material sourced from it be attributed using the following wording: publication title, source and then the words 'the Commonwealth of Australia does not necessarily endorse the content of this publication.' In other words, the disclaimer refers to content created by third parties utilising and drawing from Commonwealth data. It is a standard disclaimer used at the front of most government publications. So it is the way in which the Commonwealth deals with the fact that it allows third parties to use Commonwealth material such as that in the Clean Energy Future guide but seeks to ensure that that disclaimer is included.

Senator MADIGAN (Victoria) (14:47): Mr President, I ask a supplementary question of the minister. I have a copy of the government's Clean Energy Future fact sheet, which I received today from the office of Greg Combet. On opening the publication I find not only that there is a lack of any disclaimer but also that there is a lack of any details of any kind indicating which
The department is responsible for the facts contained in the fact sheet. It does not even contain the name of the printer. My question is: does the minister accept the details as published in this document as actual facts, or does the minister accept the Treasury’s approach and make the assumption that the assumptions presented in these fact sheets are actual facts rather than simple assumptions? (Time expired)

The PRESIDENT: Thirty seconds are allocated for a supplementary question. That was a very long supplementary question.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:48): In relation to the assumptions issue, I assume—no pun intended!—that the senator is referring to the modelling assumptions and various other assumptions that Treasury has been clear about. The government does have faith in the Treasury’s modelling. It is modelling undertaken by some very highly skilled public servants, people who not only provided advice to this government but who in the past have provided advice to governments of the opposite political persuasion. So if the senator’s focus on assumptions is in relation to modelling, it is the case that modelling requires certain assumptions. What is important is that those assumptions are sound as well as clear and consistent, and that is the way in which the modelling is approached. (Time expired)

Senator MADIGAN (Victoria) (14:49): Mr President, I have a further supplementary question. Does the minister accept that if the government disclaims responsibility for the contents in its own publications then the Australian people are within their rights to refuse to accept any of the details contained in any of these documents and therefore any of the government’s arguments?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:49): I again refer the senator to the fact that the disclaimer to which he is referring refers to material created by third parties, not to material created by the Commonwealth. The Commonwealth allows third parties to use Commonwealth material, such as is provided in the Clean Energy Future guide. Under the Creative Commons licence, third parties can use Commonwealth material to produce their own material. There are two conditions associated with that. The first is attribution and the second is that third parties need to allow the Commonwealth to disclaim responsibility for material that the third party created from Commonwealth material. That is the reason for the disclaimer—that third-party material may have an opinion, factual assertion or position that is not supported by the Commonwealth. As I said previously, you will find that attribution statement in many official documents.

Forestry

Senator COLBECK (Tasmania) (14:50): My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy. Is the minister aware of whether the intergovernmental agreement on Tasmanian forestry allows the possibility for Gunns Limited to receive payment of taxpayer dollars for its purely voluntary decision to exit native forest logging operations? Can the minister confirm whether the Commonwealth has received assurances from the Tasmanian government that Commonwealth funds will not be used for this purpose?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:51): I thank Senator
Colbeck for the question. The historic intergovernmental agreement between the Australian and Tasmanian governments will secure jobs, ensure a sustainable forest industry and protect high-conservation-value forests for future generations. This agreement will help the forest industry adapt to market changes while protecting the communities and families who rely on the sector to survive. Under the agreement, a total of $276 million, including $15 million from the Tasmanian government, will be provided in the following key areas: support for workers, contractors and their families affected by the downturn in the industry; protecting high conservation value forests and ensuring a sustainable wood supply; and identifying and funding regional development and diversification projects.

The Australian and Tasmanian governments are immediately commencing implementation of this agreement, including providing assistance to displaced workers and establishing an independent verification process under the intergovernmental agreement to assess timber supply requirements and the boundaries of proposed new conservation reserves. The industry support packages include $25 million for immediate employment and training support for redundant forestry workers; $15 million from the Tasmanian government to administer transition support payments to workers, including contractor employees; $45 million in assistance for voluntary exits from native forest operations, for haulage, harvest and silviculture contractors; and $1 million—

Senator Colbeck: Mr President, I raise a point of order. This information is well and truly known to us. It is in the intergovernmental agreement and it is in the press releases from the Prime Minister. The question was about payment to Gunns from this process. It was a very specific question and that is the information that I am seeking.

In the 41 seconds that the minister has spoken he has not gone anywhere near that particular question.

The PRESIDENT: The minister has nine seconds remaining to answer the question asked.

Senator CONROY: Gunns Ltd made an independent decision to exit native forests. The Australian government made an independent decision to enter into a process with Gunns Ltd to ensure that a sufficient volume of native forest sawlog supply is retired— (Time expired)

Senator COLBECK (Tasmania) (14:53): Mr President, I ask a supplementary question. Can the minister confirm whether the government has received representations from Senator Bob Brown or the Greens supporting Gunns Ltd receiving payment for its exit from native forest logging? If so, can the minister confirm who made representations and the date on which they were made?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:54): As I was saying, the Tasmanian government has committed to entering into a process with Gunns Ltd to ensure that a sufficient volume of native forest sawlog supply is retired to ensure that a guaranteed wood supply is met.

The Australian government position is that no Commonwealth funds will be paid to progress the Bell Bay pulp mill project. The Australian government recognises the opportunities afforded through the community driven statement of principles process. An independent verification group will be established under the intergovernmental agreement to assess and verify stakeholder claims in relation to timber
industry and reserve boundaries, subject to agreement by signatories to the design of the independent verification process, and both governments have agreed to be bound by these results.

Senator Colbeck: Mr President, I raise a point of order. I have asked two very specific questions today relating to this process. Senator Conroy is really giving me a commentary on what is in the intergovernmental agreement and what is in the Prime Minister's press release. I am quite capable of reading and understanding those facts. I am after some specific facts. I asked some specific questions about payment to Gunns through this process and also about representations received. I would ask you to bring the minister to the question.

The PRESIDENT: The minister has eight seconds remaining. I do draw your attention to the question, Minister.

Senator CONROY: I have actually stated that the government position is that no Commonwealth funds will be paid to progress the Bell Bay pulp mill project. On the issue of who made representations, I will see whether there is any information the minister is able and willing to supply.

Senator COLBECK (Tasmania) (14:56): I would hate to see his NAPLAN score.

The PRESIDENT: That is not required at the start of the question.

Senator COLBECK: Mr President, I ask a supplementary question. Can the minister explain why Gunns Ltd should receive funds from the Commonwealth for the voluntary exit from native forest operations? That is a very specific question. It is not related to the pulp mill; it is about their exit from native forest operations. Why do Gunns deserve any money when the business relying on their wood supply went— (Time expired)

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:56): As I said, Gunns Ltd made an independent decision to exit native forests. If there is any further information that I am able to get for the senator, I will see whether the minister is able to supply it.

Aged Care

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:57): My question is directed to the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, Senator Arbib. Can the minister outline to the Senate the government's response to the 2011 Productivity Commission report Caring for Older Australians, received by the government last week? How does it relate to the government's broader agenda on aged care and assistance for pensioners and seniors?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:57): I thank Senator Polley for her question and for her ongoing interest in aged care issues. The Gillard government last week released its response to the 2011 Productivity Commission report Caring for Older Australians. The report provides analysis of the aged care sector and detailed proposals for reform. The Prime Minister has said the recommendations will be considered as part of the government's broader agenda and that our response will be guided by four principles: first, every older Australian has earned the right to access quality care and support appropriate to their needs when they need it; second, older Australians deserve greater choice and
greater control over their care; third, funding arrangements need to be sustainable and fair both for older Australians and for the broader community; and, fourth, older Australians deserve to receive quality care from a skilled workforce.

The government is determined to make these necessary reforms to our aged care system. This government has the runs on the board when it comes to aged care and when it comes to the pension. After a decade of inaction by the coalition, federal Labor overhauled the pension system to make it adequate and sustainable for the millions of age and disability pensioners, carers and veterans. Our pension reforms have delivered increases for maximum rate pensioners of $128 a fortnight for singles and $116 a fortnight for couples combined—a historic change. These reforms are on top of the $400 a year increase in the utilities allowance we provided to pensioners. We have also introduced national transport concessions for Seniors Card holders. On top of these reforms we have now delivered on our election commitment with a new work bonus allowing pensioners to keep more of the money they earn from part-time work. Unlike those opposite, Labor has acted—acted for pensioners and acted for seniors—and will continue to do it into the future.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:59): I have a supplementary question. Can the minister explain to the Senate why it was necessary for federal Labor to overhaul the pension system and are there any threats to the future funding of aged-care services in Australia?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (15:00): You do not have to go far to find comments about the $70 billion black hole that the Liberal Party now face if they become the government and last night on the ABC's 7.30 Report we saw the best indication from the shadow Treasurer, who appeared on it. There was a question about pensions and he tried to dodge the question. The question was pretty simple: 'So, Mr Hockey, will you cut the pension?' And Mr Hockey reassuringly said, 'I'm not saying we'll necessarily cut the pensions.' So not necessarily going to cut pensions! I am sure pensioners and seniors feel very reassured.
after those comments by the shadow Treasurer! They have form. We know that the Liberal Party cut. That is what they do. They cut services: education, cut; health, cut; aged care, cut. Now we know they are not ruling out cutting the pension. So if you are a senior you can feel very confident about life under the Liberal Party! (Time expired)

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

ANSWERS TO QUESTIONS ON NOTICE

Questions Nos 338 and 364

Senator LUDLAM (Western Australia) (15:03): Pursuant to standing order 74(5), I ask the Minister representing the Minister for Foreign Affairs, Minister Conroy, for an explanation as to why answers have not been provided to questions on notice Nos 338 and 364 asked on 6 and 17 December 2010.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (15:03): I appreciate the senator's keen interest and concern regarding Burma's alleged nuclear activities. I am advised that a number of months ago the Minister for Foreign Affairs offered for the Director-General of the Australian Safeguards and Non-Proliferation Office to brief Senator Ludlam on this issue and other matters which he has raised in the course of Senate estimates. I understand that Senator Ludlam plans to take this meeting next week and I expect that answers to his questions will be formally provided following this meeting.

Senator LUDLAM (Western Australia) (15:04): I thank the minister. I move:

That the Senate take note of the explanation. That is a very brief explanation for two questions on very similar issues that I gave notice of last December. The briefing with Dr Floyd, the new director-general of ASNO, was only offered about a fortnight ago. That officer has only just recently taken up that position. I recognise that Minister Conroy is outside his portfolio but I find that explanation to be wholly inadequate given that these questions were put on the Notice Paper in December. They are about an issue, one which I will go into some detail on in a moment, that has direct relevance to Australia's security interests and yet these questions have languished, one for 253 days and one for 242 days. That is how long it has taken. I took the opportunity to go back through the Notice Paper and take a look at what else has lapsed, and this is an issue that I think Senator Cormann took up yesterday, and saw that we have questions overdue by a matter of months. The convention in this place is 30 days and for most portfolios you actually get that kind of response; you get an answer approximately 30 days after you put a question on notice. The oldest one, the one that has been lingering the longest, is in the name of Senator Bob Brown, who gave notice on 28 September 2010 of asking about an issue relating to the Australian Political Parties for Democracy Program. That has been lying around for nearly a year. There are questions to Minister Conroy—and it is a bit of a shame that he has left the room—including a question that Senator Brown put on notice on 8 December 2010 relating to the Indonesian unit known as Detachment 88, which has been implicated in horrific human rights abuses in Indonesia. So that has been lying around since 8 December 2010. There are questions of mine to Minister Conroy relating to the Digital Switchover Taskforce, quite detailed questions—about information that it would have been handy for me to know about—that I gave notice of on 13
December 2010. There is a question by Senator Siewert, relating to staffing in the disability services portfolio, that she put on notice in April 2011. There are dozens of questions lying around and no apparent procedure for getting them answered within the right time frame. I did the Minister for Foreign Affairs the courtesy this morning of letting him know that we would be chasing these up, months and months after they were lodged, and he has seen fit to do nothing more than send Minister Conroy along to say, 'Oh, you'll be briefed on those, among other things, in a week's time.' That is really different from the process for questions on notice whereby detailed information is sought and expected to be received. I wonder whether any spokesperson from the government would care to inform the chamber about what process actually operates behind the scenes for deciding which questions you will just let lapse until they get taken up in the Senate and which will be given a proper answer.

The reason that I have taken this time this afternoon—and I will only speak briefly, because I realise that progress did not get very far this morning on the bill that is before the chamber—relates to Burma's alleged nuclear weapons program. This is an issue in which Australia has a very direct interest. My questions on this subject first arose from some alarming reports that were issued in 2009 by Professor Des Ball from ANU and Phil Thornton, a journalist living on the Thai-Burma border. I had the opportunity to meet with both these two individuals who put the reports together. The cross-party group, known as Australian Parliamentarians for Democracy in Burma, sought a briefing from Professor Ball in 2009, which he provided and for which we are very grateful. He also briefed ASNO, the Australian Safeguards and Non-Proliferation Office here, in Canberra, and other departments to discuss their findings and their research. I had the good fortune to meet Mr Thornton when I took a trip to the Thai-Burma border very early last year.

What MPs learned at the briefing was that the two authors had interviewed two informants who had come out of Burma. They were not aware of the existence of each other. The defectors described Russian and North Korean collaboration with the Burmese military in an illicit reactor for producing plutonium. The people who follow these issues will be aware that these kinds of reactors are effectively for military use only. There is very, very little point if you do not even have a civil nuclear program in building a plutonium producing reactor. This technology is complex; it is very elaborate; it would take a long time to put together. If there is an illicit nuclear weapons program taking shape in Burma, with the covert or overt support of either the Russian government or the North Korean government, I think it would be in our interests to find out about that and do our part to stop that thing in its tracks before it got too far advanced.

The two informers told virtually identical stories about a clandestine facility that has been under construction for a period of time and that North Korea is assisting the Burmese regime to create a plutonium production facility in a very large underground complex in the regional part of the country. Their descriptions include the location of the facility, its scale, the timetable of construction and the sort of equipment that they are bringing in. The two stories matched perfectly. These were two defectors who had come out of the country and did not know of each other's existence. It would be of huge concern if Burma were embarking on clandestine nuclear activities in contravention of its obligations under the Nuclear Non-Proliferation Treaty. I hope I do not have to spell out the reasons why. US
Secretary of State, Hillary Clinton, raised the suspected collaboration at the ASEAN summit in July of last year. Jane's Intelligence Review has written it up. The Institute for Science and International Security, which is a Washington DC based think tank, is writing it up. And a report commissioned by the Democratic Voice of Burma said that, while the military may not be successful in their efforts—and of course we wish them every failure—the intent is clear. It said analysis leads to only one conclusion: the technology is for nuclear weapons and not civilian use or nuclear power.

There are doubts. There is ambiguity operating in this kind of environment, obviously. Because the rumours have been going for some time, it was interesting to see quite a reasonable amount of material disclosed as a result of the WikiLeaks document drop of state department archives last year in which this subject is canvassed at length. A 2004 cable provided as part of that large store of material noted that there was no direct evidence of the alleged nuclear cooperation between North Korea and Burma; however, 'rumours of ongoing construction of a nuclear reactor are surprisingly consistent and observations of activity appear to be increasing as are alleged sightings of North Korean technicians inside Burma'. Another classified cable reports: 'North Korean workers are reportedly assembling surface-to-air missiles and constructing an underground facility at a Burmese military site about 315 miles north, north-west of Rangoon. Some 300 North Koreans are working on the secret construction site.' This is what the US State Department is telling itself.

Another cable in 2007 reveals concerns that Burma is exporting uranium to China. The cable describes the suspicious behaviour of authorities when handling a shipment of mixed ore from Burma to China via Singapore in January of that year. They quote: 'Embassy contacts noticed that authorities treated the shipment as highly sensitive and suspect it may have included uranium.' There are a large number of other cables, including one that refers to Australia’s former ambassador in Burma, Michelle Chan, whom I had the good fortune to meet and discuss this issue with, trying to verify the accuracy of a report that she received that the regimes of Kim Jong-il and Than Shwe, the Burmese dictator, were engaged in peaceful nuclear cooperation.

The US cables detailed the construction of suspicious underground military facilities alongside the construction of a very large airstrip, as well as suspected shipments of uranium from Burma to China. That is why I have been following the issue and reminding the department and the minister through estimates and the various avenues that we have available to us in here that there is a very serious concern about nuclear weapons proliferation in the region—particularly if you allow yourself to imagine for a moment the idea of nuclear weapons in the hands of a regime such as Burma’s, which is already a regional security threat and treats its own population with such an appalling contempt for human rights.

When I asked about this matter at Senate estimates—and I will follow this up with Mr Floyd next week—representatives from ASNO stated that Australia was monitoring developments in Burma—whatever that means. We have a very small diplomatic staff based in Rangoon, so I am not sure what they mean by 'monitoring developments'. The questions on notice that I put to Minister Rudd, for which Minister Conroy has just provided this breathtakingly inadequate explanation, were seeking to clarify what efforts are being undertaken to monitor developments relating to these alleged facilities in Burma. What is it that we
are doing? What does monitoring mean in this capacity? What have we done through the various avenues that are available to us? For example, I sought to understand what could be done by the IAEA and by our government in the light of the statement made by the Burmese regime in September of last year at the International Atomic Energy Agency assembly in Vienna. The Burmese junta's statement included a refutation of allegations of a nuclear weapons program. Burma has two obsolete IAEA agreements and has failed to execute the additional protocol. We have nothing more to go on than what they told the IAEA in that forum. The 2010 IAEA report declared that Burma's nuclear material remained in peaceful use, but they stated that they are now investigating allegations that Burma is pursuing a nuclear weapons program. In December 2010, they wrote to the regime and formally requested access for inspectors to visit Burmese nuclear sites and facilities. This is one of the reasons why it is important that we have the Nuclear Non-Proliferation Treaty framework and why it is so dangerous for Australia to potentially circumvent that framework by, for example, trading with India. The IAEA, under the terms of that treaty, has those access rights; it can seek to inspect facilities.

Burma is a signatory to the treaty, such that they are therefore not allowed and not permitted to develop nuclear weapons. That is one of the cornerstones and one of the most obvious points as to why that treaty is in existence. Burma is supposed to provide the IAEA with initial reports of all relevant nuclear material and to allow the agency to verify the reports via inspections. According to a Washington Times report in January, Burma has ignored those letters. They have ignored the request for inspections, so we have nothing more to go on than statements from the regime. They will not need to rely on international nuclear fuel supplies, or the fuel market that Australia services, because they have confirmed deposits of uranium at a number of sites within Burma, and reactor grade uranium was being mined near Lashio in northern Shan state.

Professor Ball and Phil Thornton have stated that cooperation with North Korea and Iran is being pursued under a fuel-for-technology program. The uranium mining occurs in Burma. Many of the shipments will be clandestine and in exchange they are receiving training from Moscow and technical advice and assistance from Iran and North Korea. Why on earth are we walking into a situation like that blindfolded? This is occurring in our region. We are one of the largest suppliers of uranium to civil fuel markets in the world and yet we are just letting this go on behind our backs. I would have thought, given 250 days to consider the context of the questions that I put to the minister, we would have got more than the throwaway line that Senator Conroy just delivered: 'Oh, you'll get a briefing next week.' That is wonderful; I look forward to that briefing. It would have been nice if Minister Rudd had seen fit—and we did tip his office off this morning that we would be bringing this question to the chamber—to give us a certain amount of information.

Senator Jacinta Collins: He's on leave!

Senator LUDLAM: I presume the entire department has not gone on leave.  

Senator Jacinta Collins: You named him. You said his office.

Senator Cormann: He has been on leave for 255 days.

Senator LUDLAM: His office or the minister. Has he been on leave since last December, Senator Collins? I do not believe he has been on leave since December. I am not being critical. The foreign minister has done great work on behalf of Australia on
nuclear proliferation. This is an issue he knows and cares about. This is not an accusation of not caring about the overall agenda of disarmament of nuclear weapons and ridding the planet of these foul devices. But in this instance we have the potential of a very real security threat unfolding in our region and it is impossible to find out if our government, through any of the avenues that we have available to us, is doing anything about it. So the questions that I will put to Mr Floyd—and if the government would like to shed some light in the interim, that would be wonderful—are: is the Australian government aware of any of the results of the IAEA's investigations, either through inspection or by consideration of other material? And, how have we used our position on the board of governors of the IAEA? Our position on the global fuel market is presumably one of the reasons we often hear about remaining with the uranium suppliers is that it gives us leverage in these fora. How are we using it? What are we doing on the board of governors and our mission in Vienna to address the very serious proliferation risks implicit in this potential program?

The implications are so serious because there is no such thing as 'safe hands' for nuclear weapons. It is not that the Burmese regime would put nuclear weapons in unsafe hands but thank goodness they are being maintained by the governments of Russia and the United States. No state whatsoever should have nuclear weapons, but certainly not this brutal and irrational regime who likely seek this capability to hold the international community in complete contempt, as it has done to its own people for 60 years.

The world's leading expert on Burma's economy, Associate Professor Sean Turnell from Macquarie University, has said that revenues earned from the sale of oil and gas have provided the Burmese regime with the financial resources needed to purchase nuclear technology from North Korea. Here is another place where Australia comes in. We have no trade embargo, we have no investment embargo, so Australian investors in the oil and gas industry are currently providing the regime with a revenue stream, in the sense of oil and gas exploration, which they hope to prove up to large scale and viable commercial projects. That lucrative business would have to stop because if Burma was found out to be developing a clandestine nuclear weapons program there would have to be international sanctions, as there are around the regime of North Korea. That would obviously do no good for countries profiteering and, basically, participating in the looting of the country's natural resources. That business would have to stop because sanctions would be imposed. That would bite into Australia's $50-odd million worth of two-way trade with Burma.

Australia has the Safeguards and Nonproliferation Office. We have some expertise. We have an embassy in Burma; we have a seat at the UN General Assembly; we have a seat in Geneva at the conference on disarmament; we are in Vienna at the IAEA. What have we done? That is all we were seeking and that is all that we were after in the questions that we put to the minister. We need to be taking proactive steps with regard to Burma just as we have done with Iran. There are no right hands for these weapons to be in. The government needs to be seized with the matter and actively engaged to verify and support the inspection efforts of the IAEA and we certainly expect that. The government should answer questions within the specific time that was allotted—that is, 30 days, not 250. I am looking forward, still, to a written response to questions 338 and 364. I thank the chamber.

Senator IAN MACDONALD (Queensland) (15:19): It is not often I get up
to support the Greens on anything, but Senator Ludlam's criticism of the Labor Party in failing to answer a question that was put on notice before Christmas last year just shows how incompetent this Labor government is. Senator Ludlam, can I ask you a question? If you are so concerned about the inadequacies of this government, why do you support it? Remember, this was the new paradigm? Remember when the Greens got into bed with the Labor Party? They said they had arranged this new paradigm of openness and accountability and answering of questions, and what has happened?

Senator Ludlam, if you would like to move over this side and get your colleague in the lower house to also do that, we will ensure that your questions are answered rather than have a seven-month delay. Even though sometimes in government we did take a few weeks to answer questions, we were not as bad as this government. While I agree with you, Senator Ludlam, on your criticism of the government in failing to answer—and some of the material you mentioned on the substantive subject certainly is concerning and deserves more than the cavalier attention that this government is giving it—it is pointless crying about the lack of transparency and accountability by this government when you and your colleagues in the Greens political party are the ones that are keeping this government in power. If it were not for the Greens political party, you would have decent government in Australia now and certainly a government that did not take more than seven months to answer what is clearly a relatively simple question to answer.

Senator CORMANN (Western Australia) (15:21): I will be brief. I note that this is a very secretive Labor government that we have in Canberra now. We were promised by the Prime Minister, Julia Gillard, in August last year that this would be a new era of openness and transparency, and how she was going to let the sun shine in. Well, this government is more secretive than anything that we have seen before. Of course, it is not only having to wait up to 250 days and still not receiving an answer; it is also the refusal to comply with orders of the Senate ordering the government to provide information and documents and not going through the proper process of claiming public interest immunity. Given that Senator Ludlum raised this, I might quickly focus on the deal that was done about 12 months ago where the Greens and the Labor Party agreed that any refusals by the government to provide information in response to an order of the Senate would be sent to the Information Commissioner to arbitrate. Twelve months down the track and there is still no such process. The Information Commissioner refuses to comply and I can only assume that nothing has been done by the government and the Greens to make it happen because there are lots of orders of the Senate sitting there being completely ignored by the government.

Yesterday, I rose on a question that had been on the Notice Paper for more than 150 days. The Minister for Finance and Deregulation, Senator Wong, misled the chamber by saying that the answer had been tabled that day, but it was only tabled in the Senate after I finished my contribution on that particular matter. There was no correction from the minister and she did not even have the courtesy to apologise for misleading the Senate and for putting me in the position of having to talk about it without the information in front of me. Once I saw the answer that was provided, I found there was no answer to the question; it was a referral to an answer that had been provided to a question in estimates and did not cover the same ground.

This government treat the Senate with a cavalier attitude—and I am not sure what their treatment is of the House of Represent-
atives. With three orders of the Senate all on different matters concerning the 'Treasury, they merged them all into one and clumsily put all the answers together. There were questions 1(a), (b), (c), (d), (e) and (f), and they refused to provide answers to the specific parts. Today, belatedly, they come into the chamber and say: 'Oops, we forgot a bit. We've got to add something.' And I have another one here which just takes the cake.

To Minister Wong, in her capacity as Minister representing the Special Minister of State, I asked:

1) How many act of grace payments have been approved by the Minister since 24 November 2007 where the department recommended against approval.

2) What was the reason for, the date of approval of and value of each of the above act of grace payments.

Do you know what the answer was? It was a formal refusal to provide an answer which means that the clerks and the administration can now tick it off as having been answered, supposedly. The answer we got is that it is not normal practice to disclose the department's advice to the minister.

This issue arose in Senate estimates in the context of investigations into allegations of irregularities against the then finance minister in France, Christine Lagarde—who now happens to be the head of the IMF. The allegations concerned irregularities around decisions about act of grace payments. In the discussion at Senate estimates there was a lack of clarity as to the process if the minister decided to approve an act of grace payment even though the department might have recommended against it. As it turns out, we are not allowed to know that information.

During estimates the government was not prepared to go into it. The question was put on notice. Having taken it on notice, the government now says that it is not normal practice to disclose the department's advice to the minister.

Whenever the government refuse to provide information to the Senate—and we can legitimately seek it—they have to properly claim a public interest immunity. They have to point to the actual ground on which they propose to refuse to provide that information and they have to provide a statement of reasons. Yet again that has not been done. This government treat the Senate with absolute contempt. That is not in the interests of good government. Secretive government makes for bad government and we have seen a lot of bad government over the last four years. Open and transparent government makes for better government. If only the Prime Minister had taken her own advice back in August and fulfilled her promise for open and transparent government, maybe we would not have had all the stuff ups, all the waste and mismanagement, all the reckless spending, all the incompetence and all the things that now require multibillion-dollar ad hoc taxes one after the other that have to be pushed through this parliament. It is high time for a bit of openness and transparency in this place.

Hopefully the Greens will be true to their word and assist the coalition in forcing this government to be more open and transparent. Quite frankly, if the government do not comply with our wishes around access to information, we should refuse to even consider relevant legislation until the advice and the information is provided. We have to show that we are serious when we want to get access to information. If the Greens want to support us in forcing the government to provide information that the Senate wants access to then hopefully they will stick right with us when it comes to the crunch on things like the carbon tax and mining tax.

Question agreed to.
QUESTIONS WITHOUT NOTICE: 
TAKE NOTE OF ANSWERS

Answers to Questions

Senator HEFFERNAN (New South Wales) (15:28): I move:

That the Senate take note of the answers given by ministers to questions without notice asked today.

I noticed the question about the brothel business and Craig Thomson. He needs to get some negotiating skills. It sounds like the BER. I think he was overcharged.

Government senators interjecting—

Senator HEFFERNAN: That was just a throwaway. It is as bad as the BER. The carbon tax issue was raised in question time. Rorting will take place under this carbon tax due to a lack of knowledge and the shifting of profit centres. We have already seen what has happened in Europe with the ETS—and this tax is a progression towards an ETS—where they had to shut it down because of the rorting. What we are expecting to do in Australia is give countries like Columbia a pass-the-parcel commission process for companies anywhere around the planet to acquire a carbon credit for the carbon tax. I would not have any idea of how you would supervise that, given that we cannot even supervise our own tax because of places like Switzerland and the Cayman Islands. God knows it will be a feast for lawyers and accountants, but I bet a lot of that money will not find its way to the coffers that the government supposes it is going to find its way to.

The government has the hide, as part of the bargaining and politics of saying 'we must have a carbon tax', to put a proposition to the people of Australia that there will be no additions to the Pharmaceutical Benefits Scheme until we are back in the black. What sort of a tax is that? It is outrageous that people who need new medicines and new cures to come onto the PBS are going to be denied them. Unless you have enough money, the PBS is going to be closed up until we get back into surplus.

I also note that a direct effect of the carbon tax is that any abattoir that is killing 24,999 cattle is excluded, but if it kills one more it will be included. What sort of an arrangement is that? The absolute thoughtlessness of the carbon tax and the impracticality of the implementation of the carbon tax is typical of the failures of this government, whether it was pink batts or the BER. No-one is worried about the good school buildings. That is all good. It is just that they cost double what they should have cost.

I suggest that the lawyers and accountants are going to be the winners in this just like in the coal seam mining episode, where the lawyers are getting $2,500 for every $1,500 that the cocky gets. As Senator Joyce noted, the lawyers get $2,500 for negotiating an arrangement for one well but the cocky gets $1,500. Where is all this going to finish up? With great respect, forget the tax.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (15:32): It seems that Senator Heffernan was taking note of all coalition questions during question time today. There is one particular aspect that I would like to focus on. Whilst the PBS was not a subject canvassed in any sense during question time today—and I doubt the accuracy of the way that Senator Heffernan has characterised the situation—and I could possibly spend all my time talking about the strength of the Australian economy, I think it is worthwhile to note that four of the coalition's five questions focused on matters related to protecting our environment, and I commend the opposition
for that. The tone of that approach was something that I would probably question, but four of their questions related to protecting the environment and I think that that is a worthwhile focus for our question time today.

I will spend a moment on just one of those. Senator Fifield raised questions about community organisations and how they might manage the transition. Indeed, he did not raise the issue of transition; he mentioned increases in running costs. But as he and many of his colleagues who supported a carbon tax in the past know well, it is not about increasing running costs but about promoting more environmentally sensitive behaviour, including by organisations such as the Scouts and other community organisations. Householders will be compensated for any increased costs that might arise, but community organisations are also going to be supported in making transitions to more environmentally sensitive behaviour.

On the general point, I am pleased that this has been a subject for question time today because the government is committed to introducing a carbon price. It is the right thing to do for our economy and our environment, and we will keep explaining our policy to the public. A carbon price will put a price tag on the pollution of around 500 big polluters, and more than half of the revenue raised will be used to assist households through tax cuts, increases in family payments, and higher pensions and benefits. Senator Arbib added further information about the other support for community organisations to make the transition to more environmentally sensitive behaviour.

What Senator Fifield highlighted was that the alternative policy, the Tony Abbott policy—which will subsidise polluters, cost households $1,300 a year and generate a $70 billion black hole—is in denial. What Senator Fifield highlighted is that direct action is not about real action. It is not about assisting community organisations to make a transition to more environmentally sensitive behaviour. It is not about using a price signal to drive change in behaviour. In the nature of his question he highlights very well that direct action is not about real action but is of course, as was also highlighted today, about a very expensive plan to subsidise the big polluters. This is why, as Senator Wong pointed out, no credible economist supports the coalition's policy.

This week we have heard the discussions around how this $70 billion black hole might be filled. The discussions have been around the coalition refusing to indicate what they may do for future services or pensions. It includes, as I mentioned before, a significant increase in costs for households. This is a weeping sore for the coalition. For Tony Abbott and the coalition, this big black hole and their failure to show any plan that will demonstrate real action on the environment is a weeping sore. As we pay more attention to this issue, courtesy of question time today and other opportunities the coalition willingly give us, Australian households and the Australian public will eventually understand the Gillard government's policies on environmental issues—and on this occasion, the carbon tax—and the lack of any real, genuine alternative.

Senator PAYNE (New South Wales) (15:37): It is always a pleasure to participate in the take note debate and particularly to follow Senator Collins, who has the temerity to refer to matters of tone in respect of those on this side of the chamber. She could take a NIDA graduate degree in tone; she is patronising those opposite by taking some sort of inferior position that she seems to have adopted in her own mind.

Senator Jacinta Collins: Get over it!
Senator PAYNE: Unfortunately for you, you will never get over it.

Senator Jacinta Collins: Reow!

Senator PAYNE: What was that, Senator Collins? Mr Deputy President, I do believe I heard from Senator Collins, while she was leaving the chamber, a sound that might bear withdrawing.

Senator Jacinta Collins: I withdraw.

Senator Fifield: You cannot do it from there.

Senator PAYNE: It is not far enough.

The DEPUTY PRESIDENT: Order! Senator Payne, you have the call.

Senator PAYNE: It is interesting that so many people in such a small space can be in such an absolute state of denial as the entire government is—a state of denial about the impacts that its policy will have on business and small business in this country and in particular the impacts it will have on the sorts of organisations that Senator Fifield spoke about in his question today—volunteer organisations and the not-for-profit sector. They will receive no support, no compensation and not even any acknowledgement from those on the other side about the impact of the government's policy on their operations. How are small businesses meant to deal with the sorts of imposts that the carbon tax will place on them?

Yesterday we heard from Senator Wong that people building new houses apparently do not need to bother about a possible $5,000 increase in the costs of building a new home. Apparently that is something we can blithely wipe away with the sweep of a hand. It is not important. But if you ask people who are budgeting to the last dollar in building a new home, they might say that it is important. They might think that the impact of this government's carbon tax on the future of their home and their family is important even if all the government is capable of is being dismissive of it. What will actually happen to homeowners, to renters, to builders, to manufacturers across Australia who are already struggling under the cost-of-living rises that Labor's financial mismanagement has caused and who are looking at a worsening housing shortage? That continues to be completely ignored by the government. We are still waiting for a housing status supply report, which has been overdue since April, and the reappointment of the National Housing Supply Council was not even made until this year when it was meant to be made in 2010. That just shows the level of interest that this government professes in these issues.

If you are a homeowner already facing higher electricity costs and gas bills and water bills, if you have rents rising above inflation if you happen to be a renter, then extra imposts from the carbon tax can only hurt you. They cannot be dismissed out of hand. How are small business people trying to maintain their own home and run their own business while receiving no compensation going to cope? There is no answer to that or to many other questions. Most amusingly, when the government does end up under a tiny weeny bit of pressure, what does it do? Minister Plibersek, in the other place, implies that the homes of pensioners on the Central Coast are facing inundation. How is it appropriate management of government policy to make people think that their homes are under immediate threat and scare them? It is pretty simple—it is a scare tactic, and it does not work. The member for Lindsay, Mr Bradbury, when asked to advise a local hospital on how it might deal with an increase in its electricity bill of about $300,000, responded by saying in reference to the imposition of the carbon tax—and let us bear in mind that nobody is arguing that no action be taken; the opposition is arguing
in favour of direct action on climate change—

Government senators interjecting—

Senator PAYNE: You should listen to this—it is fascinating and some might say hilarious. Mr Bradbury said:
Without taking action, Australia is expected to experience higher rates of infectious and vector-borne diseases as well as food and waterborne diseases.
That is from David Bradbury, the member for Lindsay. How can we take this seriously? How can the Australian people take this seriously? Someone tell Nepean Hospital how to pay $300,000 more in electricity bills. There are no answers coming from the government—there are no answers coming to small business; there are no answers coming to struggling homeowners; there are no answers coming to subbies in the building industry who want to know how they are going to cope. Frankly, there is no hope for them if this is the sort of display that the government continues to put on.

Senator PRATT (Western Australia) (15:42): I concur with Senator Payne that it is always a pleasure to participate in this debate, but it does seem to have lost its momentum in the last few days. It is very hard to see where the opposition were trying to go with their questions in question time today. In part I think that is attributable to the fact that they simply do not listen to the answers that they receive; nor do they even begin to contemplate the facts behind our carbon policy or indeed the carbon debate from beginning to end. For example, Senator Fifield asked about the impact on community groups—how would the Scouts or the Girl Guides or any other community group deal with the prospective impact of the carbon price? The government has a very clear answer to that. Communities need to be assisted when adjusting to a low-carbon future. They need assistance with modifying community infrastructure so that their electricity bills are lower. This is exactly why the Gillard government is expanding the Low Carbon Communities program. It is a program for both low-income households and communities so that community facilities—things like stadiums, education facilities, Scout halls, town halls and even nursing homes—can update their facilities and help reduce their electricity costs. We know that this is something the whole nation needs to do and it is exactly how our carbon approach is framed. We are also helping low-income households with an offset of any cost-of-living increase. We know that, on average, households will have a rebate of about $10 a week and we know that the average cost to households will be about $9 a week. We take our compensation to households very seriously.

On top of this we have a low-income energy efficiency program. We know these programs work. I have worked very closely with people in Western Australia who deliver these programs. They go to people's houses and assist them in working through what they need to do to adjust their electricity costs. That is a lot more than I can say for what Colin Barnett is doing. In Western Australia over the last three years we have seen electricity costs rise by 50 per cent—that is, a 50 per cent increase with no compensation.

On the other hand, the Gillard government very clearly understands the cost-of-living pressures faced by Australians, particularly pensioners and low-income households. That is why under our Clean Energy Futures program we are compensating households. The questions from the opposition simply make no sense.

I will move on to some other answers. As the opposition has invited me to comment on
the answers given by Senator Evans, I would like to pass comment on Senator Evans's answer to my own question. He highlighted that the Liberal Party have again failed to rule out cutting penalty rates for millions of Australian workers. Where does that leave us on the cost-of-living question? It leaves millions of Australian families vulnerable. Millions of Australian families rely on penalty rates. We know that Andrew Robb had the opportunity to give families certainty on these questions but he did not. In fact, he said on 16 August:

... we are waiting to see what industry says the failings are of the Fair Work Act.

If industry say that they do not like penalty rates, won't that mean Australian workers are going to have their penalty rates slashed? That sounds like something the Liberal Party are seriously considering. They refuse to rule it out. They simply say, 'We're reviewing the act, so we will wait.' (Time expired)

**Senator ADAMS** (Western Australia—Deputy Opposition Whip in the Senate) (15:47): I rise to take note of the answers by Senator Wong. Before I do, I was most perturbed that as Senator Jacinta Collins was leaving the chamber she made a catcall and also a gesture. I am very disappointed that she left the chamber doing that sort of thing. Perhaps if Senator Jacinta Collins is still watching this broadcast she might come back and apologise to the chamber. It was very discourteous.

**Honourable senators:** Hear, hear!

**Senator ADAMS:** On taking note of answers: Labor is continuing its pattern of misleading the community on the carbon tax. This week we marked one year since the Prime Minister's pledge: 'There will be no carbon tax under a government I lead.' I do not know how many times we have heard this repeated, but the Prime Minister has since said that she will be awaiting community consensus. I wonder if she was informed and really understood the message of the 4,000-plus crowd who attended the rally on the Parliament House lawns yesterday. I had a carbon tax petition at a recent local show and within a day I had 1,000 signatures on that petition—it was absolutely amazing. Normally when you are at a show with a petition everyone runs and hides but this time people were asking whether they could sign the carbon tax petition.

The community is very agitated about the carbon tax and some strange things are happening, especially for the so-called 500 polluting businesses. First we started with 1,000 businesses which were going to have to pay the carbon tax. Then we went to 500. Then we went to 400. Now we are back to 500. It is outrageous that the Labor government, which is championing the importance of a carbon tax, has told the supposed 500 big polluting businesses that the businesses will have to work out what to pay.

To understand this, the shadow minister for climate action, environment and heritage, Greg Hunt, wrote to Minister Combet requesting the list of the 500 companies, but Minister Combet has responded by creating more uncertainty, saying that ultimately it will be the responsibility of business to determine whether they are liable under the carbon-pricing mechanism, using commercial information specific to the operations of their business.

That is very confusing. How can the Labor government implement such a major policy without a defined list of which companies have to pay? How can they be sure of their revenue projections? We know there are some carbon cops out there—or there will be. Who are they going to go after?

The Labor government is creating enormous uncertainty for business. The exposure draft of the legislation has only just
been made available for public comment, and I am told it closes next Monday with some of the bills still to be released. Yet businesses are expected to have analysed and assessed whether they are one of the supposed 500 on Labor's carbon tax hit list, and that does not include the extra 60,000 businesses which will be impacted under the diesel fuel rebate changes. I really think we could not be more confused and the supposed 500 businesses that have to pay must be very confused.

With the current global economic uncertainty, the high Australian dollar and the slump in retail trade, this is the worst possible time for a new tax to be imposed on Australian families and businesses. We should be doing all we can to ensure the financial security of Australians is being protected, yet Labor are blindly pushing ahead with a carbon tax. They do so with complete disregard of the negative international economic situation and the local indicators which clearly show Australian businesses are already doing it tough. For the sake of Australian families, to ensure their job security and keep business doors open, I would demand—(Time expired)

Question agreed to.

James Price Point

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:52): I move:

That the Senate take note of the answer given by the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities (Senator Conroy) to a question without notice asked by me today relating to bilbies.

I find it intriguing that the government, or the minister for the environment, decided that the clearing of this area should be an uncontrolled action despite the fact that they thought bilbies might be there. That is essentially what Minister Conroy said. He said ‘bearing in mind the greater bilby’. What he said, in effect, is that they have approved clearing while knowing that it could be bilby habitat. It appears that it is okay for Woodside to keep clearing bilby habitat. Bilbies are a vulnerable species in Western Australia and an endangered species in Queensland—I understand a lot of people do not understand the distinction, but both classifications mean that a species is at risk.

The government now know that bilbies, including baby bilbies, are on the site that they have said, without even carrying out an assessment, it is okay to clear. An uncontrolled action means that an assessment was not carried out and it is full steam ahead for Woodside. I beg the government to reconsider that decision and to look at the evidence that the local community has now collected on two separate occasions. They have evidence of an adult bilby and now of three babies. It means of course that bilbies are breeding in that area. This is important bilby habitat—the local community said all along that it was. The government did not do their job and Woodside did not do their job, because they did not find evidence of bilbies. Yet again the local community are the people properly protecting the environment.

The government should do the right thing here. They should immediately stop any further clearing of the site, review the evidence and carry out a proper environmental assessment of the road clearing for this proposal—clearing which we know pre-empts the strategic assessment of the proposal, pre-empts heritage listing, which is due by 31 August, and pre-empts any environmental assessment of this $30 billion gas hub. This proposal is a divisive one. It is causing division within the Aboriginal community, within the broader Broome community and, in fact, across Australia. I know very well that the government have been getting messages from the broader
community expressing their extreme concern about locating this gas hub at James Price Point, a pristine stretch of the pristine Kimberley coast.

I beg the government to order a stop to any further clearing of this site and to carry out a full environmental assessment to ensure that bilbies are not being harmed. We know their habitat is being cleared, we know that is inappropriate and we know that we do not want to hurt bilbies. So why is the government putting its hands in front of its eyes like the three blind monkeys—we cannot see and we are not going to look, so we do not know? It is all very well to go up and do a compliance audit in a week or two—after the fact. Stop it now and then go and look. Do not go and look after the damage has been done and say, 'Oh, yes, we have destroyed bilby habitat.'

We know those animals are vulnerable in WA. We know we should be protecting that habitat. And if there are bilbies there, what else has Woodside missed in its evaluation process? What else is being destroyed? What else is being lost? We know the site has valuable vine thickets, for example. Broader development of this area will also destroy those threatened, vulnerable and endangered vine tickets, which are found nowhere else. Those particular thickets and the ecosystem they support are found nowhere else. The government needs to have a rethink about how it is handling this area and move to protect those vulnerable bilbies and stop work immediately.

Question agreed to.

PETITIONS

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

Marriage

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 Clerk of the Senate 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 39 signatures).

Farming

To the Honourable the President and Members of the Senate in Parliament assembled: The Petition of the undersigned shows:

that there is significant concern about the risk to national food security and national security generally posed by acquisitions by foreign entities of Australian agricultural, horticultural and other farming land

Your Petitioners ask that the Senate should:

(1) commit to the Australian people to prevent foreign government backed consortia and other similar foreign state-related entities from purchasing freehold title in Australian farmland; and

(2) amend the Foreign Acquisition and Takeovers Act and related policies of the Foreign Investment Review Board to give effect to that commitment.

by Senator Heffernan (from 158 signatures).

Petitions received.
NOTICES

Presentation

Senator MASON: To move:
That the following matters be referred to the Education, Employment and Workplace Relations References Committee for inquiry and report by 7 May 2013:
(a) the adequacy and effectiveness of the current system of university funding, including:
(i) base funding,
(ii) research grants,
(iii) Education Investment Fund,
(iv) government payment of FEE-HELP and other student loans,
(v) scholarships,
(vi) private fees,
(vii) grants from state and local governments,
(viii) private sources of income,
(ix) profit from business ventures,
(x) philanthropic giving, and
(xi) other sources of income;
(b) the adequacy and effectiveness of current funding arrangements, with respect to:
(i) the capacity of universities to manage and serve increasing demand,
(ii) the adequacy of campus infrastructure and resources,
(iii) institutional autonomy and flexibility,
(iv) institutional diversity,
(v) the quality and diversity of teaching, and
(vi) the quality and diversity of research;
and
(c) alternative policy and funding options for the higher education and public research sectors.

Senator CROSSIN: To move:
That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 be extended to 22 August 2011.

Senator HEFFERNAN: To move:
That the Rural Affairs and Transport References Committee report on its inquiry into the Live Animal Export (Slaughter) Prohibition Bill 2011 [No. 2] and the Live Animal Export Restriction and Prohibition Bill 2011 [No. 2], by 21 September 2011.

Senator SIEWERT: To move:
That the Senate—
(a) notes:
(i) the importance of local, grass roots delivery of renal services in central Australia for closing the gap in Aboriginal health outcomes,
(ii) the vital work of Western Desert Dialysis in improving the quality of life for people with end stage renal failure and supporting other renal services in the Northern Territory, South Australia and Western Australia, and
(iii) that the Government will cease funding Western Desert Dialysis as of December 2011, despite its success as a recipient of Commonwealth funding;
(b) draws attention to the previous motion supported by the Senate on 7 July 2011, which acknowledged the serious nature of kidney health problems for Aboriginal people in central Australia and called on the Government to show leadership and dedicate resources to implement the Central Australian Renal Services Action Plan; and
(c) calls on the Government to:
(i) take leadership on renal issues in central Australia,
(ii) implement the Central Australian Renal Services Action Plan, and
(iii) continue to fund Western Desert Dialysis, through the provision of a 3 year agreement.

Senator SIEWERT:

Senator LUDLAM: To move:
That the Senate—
(a) notes:
(i) sightings of one adult and three baby bilbies at the site of the proposed James Price Point gas hub, Western Australia, in the week beginning 7 August 2011,

(ii) that the pristine Kimberley bushland is prime habitat for the bilby, acknowledged as a vulnerable species by both the Western Australian Government and the Federal Government,

(iii) the need to verify these sightings and establish the significance of the bilby population at James Price Point,

(iv) that the land clearing that has already been undertaken by Woodside Petroleum at this site is considered an uncontrolled action,

(v) that uncontrolled clearing through this area may contravene the Government's own bilby recovery plan, and

(vi) that the decision to locate a gas hub or other heavy industry at James Price Point is still being considered under the Federal Government's strategic assessment process and is yet to be assessed; and

(b) calls for:

(i) an immediate halt to all land clearing at the James Price Point gas hub site until the nature and extent of the bilby colony has been established, and

(ii) the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to:

(A) consider this new evidence of bilby colonies at the clearing site,

(B) commission further independent studies into the status and habitat of the bilby population in this area,

(C) take careful note of the information provided through the environment protection and biodiversity conservation process, and

(D) examine the gas hub proposal in light of its impact on the bilby.

Senator HANSON-YOUNG: To move:

That the Senate

(a) notes that—

(i) there are more than 1 000 Libyan students enrolled in Australia, and

(ii) the international economic sanctions imposed on Libya threaten the capacity of many of these students to access their government stipends,

(b) recognises that Canada and the United States of America have established schemes to allow students to access their funds; and

(c) calls on the Australian Government to establish a similar scheme for Libyan students in Australia.

Senator BOB BROWN: To move:

That the Senate calls on senators from the Liberal Party of Australia and The Nationals to account for the $240 million of public money given to the Tasmanian logging industry by the Howard Government in 2004 and to explain to the parliament why this money did not halt the collapse of the industry, the closure of woodchip mills and the loss of hundreds of jobs in 2011.

Senator FURNER: To move:

That Instrument no. CASA EX48/11, made under subregulation 308(1) of the Civil Aviation Regulations 1988, be disallowed.

By leave, a short summary of the matter raised by the committee was incorporated—

Instrument No. CASA EX48/11 was made by the Director of Aviation Safety on behalf of the Civil Aviation Authority (CASA), and exempts seaplanes from certain requirements of the Civil Aviation Regulations 1988 relating to general requirements for pilots of aircraft operated on the manoeuvring area of, or in the vicinity of, a non-controlled aerodrome. The instrument commenced on 20 April 2011, the day after it was registered on the Federal Register of Legislative Instruments.

In scrutinising this instrument against established principles of personal rights and parliamentary propriety, the Senate Standing Committee on Regulations and Ordinances (the committee) noted that it replaced, in similar terms, a previous instrument that expired at the end of January 2011. Given the period in which it appeared that no exemption was in operation, the committee sought advice from the Minister for Infrastructure and Transport (the minister) as to...
whether any person had been disadvantaged during that period. The minister subsequently advised that CASA was not aware of the extent to which persons were affected.

The committee was not able to determine on the basis of this response whether or to what extent persons may have been disadvantaged by the gap between exemptions, and has written to the minister seeking further clarification of this matter.

Senator BOSWELL: To move:
That the Senate—
(a) condemns certain extremist groups and individuals, including the: Green Left Weekly magazine; Maritime Union of Australia; Geelong Trades Hall Council; Australians for Palestine and the Palestine Solidarity Campaign, and their calls for a boycott of the Israeli confectionery company 'Max Brenner' and all other Israeli companies that manufacture and sell products to and within Israel, as part of the Global Boycott Divestments and Sanctions, banning any links with Israeli organisations or organisations that support Israel and prohibiting any academic, government, sporting or cultural exchanges with Israel;
(b) acknowledges that Israel is a legitimate and democratic state and a good friend of Australia;
(c) recognises the right of the company Max Brenner to operate in Australia as a lawful and legitimate business, which should be able to operate unhindered and without persecution;
(d) denounces the boycott of this business and any other business engaging in free and lawful trade with the state of Israel; and
(e) calls on the Australian Competition and Consumer Commission to investigate any secondary boycotts being imposed on Max Brenner confectionery stores.

Withdrawal
Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (16:00): At the request of Senator Cormann, I withdraw general business notice of motion No. 348.

BUSINESS
Rearrangement
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (16:00): by leave—I move:

That consideration of government business continue from 6.50 pm till 7.20 pm today.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (16:01): We have not been consulted on this matter and we will not support it. If the Manager of Government Business in the Senate cares not to consult with the crossbenchers on matters like this then he can go without the change of hours coming from us.

Opposition senators interjecting—

Senator BOB BROWN: I notice some braying from Senator Boswell and others, who apparently have been in discussions with Senator Ludwig about this. Senator Macdonald is supporting them on this as well, but that is up to them; we do not.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (16:02): by leave—I just checked with my office because I wanted to make sure people had been consulted in relation to this. There is now some doubt in my mind as to whether Senator Brown's office was consulted. We did understand that one of my staff had spoken to Senator Brown's staff. I am now in some doubt as to whether or not the message passed through the various channels. It is always with the consent of the chamber that we change hours. If I do not have the consent of everyone in the chamber then I certainly will not be proceeding with the motion. If everyone in the chamber does
not want to use this time to deal with the Carbon Farming Initiative then I am happy to accept that and I can withdraw the motion.

The DEPUTY PRESIDENT: You are seeking leave to withdraw the motion?

Senator LUDWIG: I am just going to test the water first.

The DEPUTY PRESIDENT: Senator Ludwig is seeking leave to withdraw the motion.

Leave granted.

Senator LUDWIG: I withdraw the motion.

COMMITTEES
Privileges Committee
Reference

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (16:03): At the request of Senator Heffernan, I move:

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

Having regard to the material submitted to the President by the Rural Affairs and Transport References Committee, whether a witness was threatened with, or subjected to, any penalty or injury on account of his evidence to the committee, whether there was any attempt improperly to interfere with a witness before the committee, and whether any contempt of the Senate was committed in those regards.

Question agreed to.

Environment and Communications
References Committee
Reference

Senator XENOPHON (South Australia) (16:04): I move:

That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 12 October 2011:

The decision by the television management of the Australian Broadcasting Corporation (ABC) to significantly cut the number and amount of ABC-produced programs, jobs (including through forced redundancies) and potentially affect resources, as announced on 2 August 2011, with particular reference to:

(a) the implications of this decision on the ABC’s ability to create, produce and own its television content, particularly in the capital cities of Brisbane, Adelaide, Perth and Hobart;

(b) the implications of this decision on Australian film and television production in general and potential impact on quality and diversity of programs;

(c) whether a reduction in ABC-produced programs is contrary to the aims of the National Regional Program Initiative;

(d) the implications of these cuts on content ownership and intellectual property;

(e) the impact of the ABC’s decision to end internal production of Bananas in Pyjamas and to outsource the making of a 'Bananas in Pyjamas' animation series to Southern Star Endemol Proprietary Limited; and

(f) the future potential implications of these cuts on ABC television’s capacity to broadcast state league football and rugby; and

(g) any other related matters.

Question agreed to.

Legal and Constitutional Affairs
References Committee
Reference

Senator HANSON-YOUNG (South Australia) (16:04): I seek leave to amend business of the Senate notice of motion No. 2 standing in my name by omitting in paragraph (h) 'unaccompanied minor' and substituting 'irregular maritime arrivals'.

Leave granted.

Senator HANSON-YOUNG: I move the motion as amended:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 22 September 2011:
Australia’s agreement with Malaysia in relation to asylum seekers, with particular reference to:

(a) the consistency of the agreement to transfer asylum seekers to Malaysia with Australia’s international obligations;

(b) the extent to which the above agreement complies with Australian human rights standards, as defined by law;

(c) the practical implementation of the agreement, including:
   (i) oversight and monitoring,
   (ii) pre-transfer arrangements, in particular, processes for assessing the vulnerability of asylum seekers,
   (iii) mechanisms for appeal of removal decisions,
   (iv) access to independent legal advice and advocacy,
   (v) implications for unaccompanied minors, in particular, whether there are any guarantees with respect to their treatment, and
   (vi) the obligations of the Minister for Immigration and Citizenship (Mr Bowen) as the legal guardian of any unaccompanied minors arriving in Australia, and his duty of care to protect their best interests;

(d) the costs associated with the agreement;

(e) the potential liability of parties with respect to breaches of terms of the agreement or future litigation;

(f) the adequacy of services and support provided to asylum seekers transferred to Malaysia, particularly with respect to access to health and education, industrial protections, accommodation and support for special needs and vulnerable groups;

(g) mechanisms to enable the consideration of claims for protection from Malaysia and compliance of these mechanisms with non-refoulement principles;

(h) a comparison of this agreement with other policy alternatives for processing irregular maritime arrivals; and

(i) any other related matters.

Question agreed to.

MOTIONS

Evans, Mr Cadel

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:05): I, and also on behalf of Senators Bernardi and Arbib, move:

That the Senate—

(a) congratulates Mr Cadel Evans on winning the 2011 Tour de France bicycle race; and

(b) notes that:
   (i) Mr Evans has fought back from an adversity after a serious accident as a child in the New England region and is an inspiration to all Australians, and
   (ii) cycling is a healthy activity for recreation and competition.

Question agreed to.

COMMITTEES

Migration Committee

Meeting

Senator McEWEN: At the request of Senator Singh, I move:

That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 24 August 2011, from 10.30 am to 12.30 pm.

Question agreed to.

Gambling Reform Committee

Meeting

Senator McEWEN: At the request of Senator Crossin, I move:

That the Joint Select Committee on Gambling Reform be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 23 August 2011, from 4 pm.

Question agreed to.
Public Accounts and Audit Committee
Meeting
Senator McEWEN: At the request of Senator Bishop, I move:
That the Joint Committee of Public Accounts and Audit be authorised to meet during the sitting of the Senate on Wednesday, 24 August 2011, from 11.15 am to 1 pm, for a private briefing.
Question agreed to.

Corporations and Financial Services Committee
Meeting
Senator KROGER: At the request of Senator Cormann, I move:
That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 18 August 2011, from 11.30 am.
Question agreed to.

Treaties Committee
Meeting
Senator KROGER: At the request of Senator Coonan, I move:
That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 22 August 2011, from 10.30 am to 12.30 pm.
Question agreed to.

Community Affairs References Committee
Meeting
Senator SIEWERT: I move:
That the Community Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 18 August 2011, from 4 pm.
Question agreed to.

Rural Affairs and Transport References Committee
Reporting Date
Senator KROGER: I seek leave to amend general business notice of motion No. 342 standing in the name of Senator Heffernan by omitting '12 October' and substituting '21 September'.
Leave granted.
Senator KROGER: I move the motion as amended:
That the time for the presentation of the report of the Rural Affairs and Transport References Committee on the live export trade be extended to 21 September 2011.
Question agreed to.

BILLS
Air Navigation and Civil Aviation Amendment (Aircraft Crew) Bill 2011
First Reading
Senator XENOPHON: I move:
That the following bill be introduced: A Bill for an Act to amend the Air Navigation Act 1920 and the Civil Aviation Act 1988 in relation to aircraft crew, and for related purposes.
Question agreed to.
Senator XENOPHON: I present the bill and move:
That this bill may proceed without formalities and be now read a first time.
Question agreed to.
Bill read a first time.
Second Reading
Senator XENOPHON: I move:
That this bill be now read a second time.
I seek leave to table an explanatory memorandum relating to the bill.
Leave granted.
Senator XENOPHON: I table an explanatory memorandum and I seek leave
to have the second reading speech incorporated in *Hansard*.

Leave granted.

*The speech read as follows—*

**Air Navigation and Civil Aviation Amendment (Aircraft Crew) Bill 2011**

The fundamental aim of this bill is to require Australian airlines and their subsidiaries to provide the same pay and conditions to overseas-based flight and cabin crew operating on their flights.

Currently, Australian airlines are able to use crew who are employed either through the airline's own overseas-based subsidiary, or through third parties in a foreign country.

These crew members can fly domestic legs of international tagged flights, or on international flights on Australian registered aircraft.

In July this year, ABCs *Lateline* program exposed the conditions these crew members can work under, including low pay and long hours, with little or no opportunity to bargain for better conditions.

Employed on foreign contracts, these crew members usually invariably earn much less than their Australian colleagues do, even though they are performing the same duties and are often working on the same flights.

On the *Lateline* program, Bangkok-based cabin crew who are working for Jetstar revealed that their base salary can be as little as $300 a month plus allowances.

Crew on overseas-based contracts are also not subject to the same duty limits as those on Australian contracts, which can result in their shifts being extended past what would otherwise be considered safe.

The issue of crew fatigue was one that was covered extensively in the recent Senate Rural Affairs and Transport References Committee inquiry into aviation safety, which resulted in the committee handing down two recommendations on this issue.

This bill consists of two parts, one to address international flights and the other to address domestic flights.

In the first instance, the bill amends the Air Navigation Act 1920 to impose a new condition on international aviation licences.

This condition applies to Australian airlines, and to overseas subsidiaries or associated entities of Australian airlines, as defined in the Corporations Act 2001.

Under this condition, Australian airlines that employ overseas-based cabin or flight crew through a third party for overseas flights must ensure that these crew receive the same wages and employment conditions that they would if they were directly employed by the company.

For subsidiaries or associated entities of Australian airlines, the condition is that overseas-based flight or cabin crew who are directly employed by the subsidiary or associated entity for international flights must receive the same wages and employment conditions that they would if they were directly employed by the airline controlling the subsidiary or associated entity.

These conditions apply to both new and existing licences.

An international licence will not be granted if these conditions are not met.

The second part of the bill amends the Civil Aviation Act 1988 to place a condition on the issuing of Air Operator's Certificates.

Australian airlines will be required to ensure that crew who are not directly employed by the airline but who are involved in its everyday functioning receive the same pay and working conditions as if they were directly employed by the airline.

New Zealand subsidiaries and associated entities of Australian airlines, as defined by the Corporations Act 2001, will also be required to ensure that employees are offered the same wages and conditions as if they were employed by the controlling entity. Under the bill, this will become a condition of granting a New Zealand AOC with ANZA privileges, which allow for mutual recognition of aviation certification between Australia and New Zealand as a result of the Closer Economic Agreement.

This will also apply to all new and existing AOCs.
This bill aims to stop Australian airlines and their subsidiaries from cutting corners and abusing the lax workplace standards in some foreign countries.

I would like to acknowledge the assistance and support offered by both the Australian Council of Trade Unions and the Australian and International Pilots Association.

It is not acceptable that a crew member can be employed by an Australian airline, flying on an Australian plane, and be employed under workplace conditions and receive pay that we would consider unacceptable in Australia.

It is time for airlines to be fair with their all employees, and to be open and transparent about their employment practices with the Australian travelling public.

Senator XENOPHON: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS

Tasmanian Forests Intergovernmental Agreement

Order for the Production of Documents

Senator COLBECK (Tasmania) (16:09): I move:

That there be laid on the table by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), no later than 5 pm on Thursday, 18 August 2011, the technical report and all related documents, provided by Professor Jonathan West to the Commonwealth and Tasmanian Governments and referred to by the Prime Minister (Ms Gillard) in a press conference on 8 August 2011, relating to the determination of the boundaries of the 430 000 hectare claimed 'High Conservation Value Area' in the Tasmanian Forests Intergovernmental Agreement between the Commonwealth of Australia and the State of Tasmania.

I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for two minutes.

Senator COLBECK: Thank you, Mr Deputy President, and I thank the chamber. I just make the point that I note that there is a very short time frame on this motion for the production of documents and I recognise and appreciate that in the past the chamber has expressed a view about giving the government a reasonable time frame to deal with these matters, but in this circumstance decisions around this information will be made this weekend. I know that industry has sought this data from government. It is not something that has to be sourced broadly. It should be readily available. It is in that circumstance that I have put the time frame that I have around the motion relating to the order to produce documents. I thank the chamber for allowing me to speak.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (16:10): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for two minutes.

Senator BOB BROWN: We will be supporting the motion for the production of this information, but I should forewarn the Senate that we are considering a motion to also require the databank of Forestry Tasmania—which is protected and has been for years by the Liberals and now by the Labor Party in Tasmania not taking action—to be made available for the public determination of the important matters that are inherent in Senator Colbeck’s motion.

He wants information from Professor West, who has obviously and publicly been appointed to do a job, which should be based on data available from the public repository of data owned by Forestry Tasmania, but the gates on that databank are slammed shut and there is a manipulated effort by Forestry Tasmania and its leader Mr Gordon to prevent the public debate from being based on information which is within those lockers. It is not good enough for him to say that the modelling coming out of that data is available in the public arena. We are astute
enough to know that the modelling is only as good as the selection of data and it is the databank itself which has to be opened here.

The effort by Forestry Tasmania to manipulate the whole of the public debate through secrecy in the direction of keeping this unsustainable industry going against the public interest needs to be brought to a close, and I expect Senator Colbeck to support that opening of information to the public when the time comes as well.

Question agreed to.

MOTIONS

Burdekin Falls Dam

Senator IAN MACDONALD
(Queensland) (16:13): I move:
That the Senate—
(a) notes that:
(i) water has been cascading over the Burdekin Falls Dam spillway for a record breaking 313 days since 6 October 2010,
(ii) the dam is currently holding 1.87 million mega litres of water which in volume equates to 3.3 Sydney harbours,
(iii) the dam's catchment of 130 000 square kilometres is equal to the size of Victoria,
(iv) since October 2010, some 26 960 908 mega litres of water has passed over the spillway of the dam, equivalent to approximately 53 Sydney harbours, and
(v) Commonwealth funding for the construction of the dam was first committed in the 1982-83 budget of the then Fraser Government; and
(b) congratulates those in the Federal Government and Queensland Government who, since the time of that first funding had the foresight and fortitude to ensure the completion of the mighty Burdekin Falls Dam and the creation of the Burdekin River Irrigation Area.

Question agreed to.

Senator SIEWERT: Mr Deputy President, can you record that the Greens were a no. I did say no.
Fifield, MP
Gallacher, AM
Kroger, H (teller)
Macdonald, ID
McKenzie, B
Moore, CM
Polley, H
Ryan, SM
Stephens, U
Thistlethwaite, M
Williams, JR
Furner, ML
Humphries, G
Lundy, KA
Madigan, JJ
McEwen, A
McLucas, J
Parry, S
Praet, LC
Sterle, G
Urquhart, AE
NOES
Ayes.................................29
Noes.................................36
Majority.........................7
AYES
Back, CJ
Boswell, RLD
Bushby, DC
Coonan, H
Edwards, S
Fawcett, DJ
Fifield, MP
Heffernan, W
Johnston, D
Macdonald, ID
AYES
Mason, B
Payne, MA
Ryan, SM
Williams, JR
Parry, S
Ronaldson, M
Seullion, NG

Question negatived.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (16:23): by leave—the government opposes Senator Colbeck's motion. There is no reference in the intergovernmental agreement between the Commonwealth and Tasmanian governments that refers to any payment of money to Gunns Limited. The government does not intend to support a motion condemning something that does not exist in the intergovernmental agreement referred to in the motion.

Original question put:
That the motion (Senator Colbeck's) be agreed to.

The Senate divided. [16:28]

(The PRESIDENT: Senator Hogg)

Ayes.........................29
Noes.........................36
Majority..................7

COMMITTEES
Finance and Public Administration Legislation Committee

Report

Senator POLLEY: I present the report of the Finance and Public Administration Legislation Committee on its examination of annual reports tabled by 30 April 2011.

Ordered that the report be printed.
Finance and Public Administration References Committee Report

Senator RYAN (Victoria) (16:31): I present the report of the Finance and Public Administration References Committee on the administration of the Pharmaceutical Benefits Scheme, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator RYAN: I move:

That the Senate take note of the report.

This report outlines one of the great debacles in our Commonwealth health system for many years. This report outlines a government that has exhibited a profound misunderstanding or a profound lack of understanding of the role and importance of the Pharmaceutical Benefits Scheme. For years the Labor Party has attempted to hold itself up as the great saviour of Australia's public health system but in February this year what the Australian people discovered was that was nothing but a sham. Just like everything else that comes out of this government when it claims to have credibility on the economy, on education or on health policy, it was nothing more than empty rhetoric. I say that because in February this year the Labor Party attempted to hold itself up as the great saviour of Australia's public health system but in February this year what the Australian people discovered was that was nothing but a sham. Just like everything else that comes out of this government when it claims to have credibility on the economy, on education or on health policy, it was nothing more than empty rhetoric.

This government came out with a number of excuses that explained why it was going to defer consideration of medicines. It did not want to say no. It thought, in typical Labor government style, that might get it into a bit of trouble but it did not want to say yes either. One of the reasons it gave, and this is outlined in the committee report, was 'there are existing or alternative treatments that are already available or there is no additional clinical benefit'. They were the words of the minister when she put out her statement in February this year stating that these medicines would not be listed, despite the fact that one of the medicines, Botox, for hyperhidrosis, had no alternative treatment available on the PBS that achieved the same outcomes. But if we put that to one side for a second, and I would like to return to that, the patients of Australia and the patient groups that represent them were outraged because this profound misunderstanding can be expressed very simply: there might be eight or 10 different ACE inhibitors on the market and there might be four or five statins on the market and, on a population level when we are looking at samples of 10,000 people, the health outcomes of those may actually be the same but that does not mean they are going to work in 10,000 individuals in the same way. That does not mean that each individual patient is going to have the same response or deliver the same health outcome.

This is at the core of the government's misunderstanding: the idea that population health assessments mean it is the same for an individual patient. What doctors do, Madam Acting Deputy President, is actually treat you with a different ACE inhibitor or a different statin because different people
actually react in very different ways. Yet the government said, for some reason, 'Oh, there's another treatment there. It doesn't matter if we don't list this other medicine.' They were not caring at all about the fact that for individual patients this actually meant some of them were not going to get the medicine they needed. This goes to the core of one of the two principles that we have when we are listing new medicines. There is the cost-effectiveness test, as outlined by the Pharmaceutical Benefits Advisory Committee and used in Australia for nearly 20 years. Quite frankly, it is a world-leading example of how to list new medicines. But we also have a cost-minimisation model that allows a company to say, 'If this medicine B is as good as medicine A for treating blood pressure'—or for treating high cholesterol—'then we can actually list that new medicine as well.' There is no cost if patients are actually substituting one medicine for another that works better. There may be an additional cost because of the point that I raised earlier, that some patients now have access to a medicine that works. These might all be in the same class of medicines and they might all be very similar but they are very different if they work for you but they do not work for someone else, particularly if you are that person for whom they do not work and now you have the chance of a better health outcome. I think I can speak on behalf of the entire committee about what we heard from a particularly brave young woman, Chey-Anne Ellsum from Gippsland in Victoria. I said that I wanted to return to those who suffer from hyperhidrosis. We can disagree on some of the politics of this in the sense of whether it is fair that this medicine was not listed, but I think we will all agree that it was particularly brave of this young woman to put on the record her experience. It impressed the committee and the majority of the committee found her evidence to be particularly persuasive.

The recommendations of the majority of this committee are quite simple. It is that the government retract its statement of February this year when it implied that there had to be cost savings to list new medicines and that it recommit to the memorandum of understanding and really consider the listing of medicines. Only in the world of the modern Labor Party is the deferral of a decision a decision. Only this Labor Party would say that a deferral of a decision constituted a decision. But we will let them live with that, because this is something that needs to be addressed.

Finally, we have also asked that what is known as the $10 million rule be reinstated. The $10 million rule has been very unpopular with the pharmaceutical industry and many industry players. The minister for health had the capacity to list new medicines, without reference to cabinet, as long as the medicines did not cost more than $10 million in any given year. What we have in Australia increasingly now is a lot of smaller population medicines that treat very small numbers of people and that do not actually provide a huge commercial return. This rule provided those industry participants with certainty. It meant that patients with very small numbers of fellow patients suffering the same condition could get access to medicines because, once the PBAC approved it, the minister had the capacity to list it. We are not saying that cabinet should not be able to consider the more expensive medications but that when the cost of a medicine is less than $10 million and the government—a government for which we can simply add up the tens of billions of dollars that have been wasted in a budget that has gone from $260 million to $350 billion in only four years and billions were wasted on pink batts and school halls—tries to tie the denial of access to new medicines to the fact that there are cheaper alternatives, it is not fair.
medicines to the idea of fiscal rectitude, this not only shows its profound inability to handle Commonwealth finances but also its lack of prioritisation of what really matters to the Australian people.

I will comment briefly on a couple of comments made in the dissenting report of the ALP members of the committee. In paragraph 1.14 they claim that this has been done before when the previous government refused to list Viagra. To all those people who are suffering hyperhidrosis and to all those people who have conditions for which there is no available treatment, I urge them to hold Labor to that statement that somehow this is actually comparable to not listing Viagra. I am not trying to dismiss any particular medical condition but a decision was made at that point that we had to prioritise the treatment of conditions. What Labor has done with this decision is prioritise the treatment of individual patients. What really matters now is whether or not you are lucky enough to have one of the medicines that is currently listed and that works.

The government members are disingenuous in paragraph 1.15 where they say that previous PBAC recommendations had not been followed. Those recommendations did not deny access to medicines; they were pricing decisions. Those recommendations did not actually mean that a patient could not get access to a medical treatment. They were simply about the administration of the PBS. It is misleading to try and compare that decision to this one. This represents, in the words of a number of the stakeholders that came before the committee, a profound change in the administration of pharmaceutical benefits in Australia.

I urge people who are interested in this area of policy to read the report. It is quite extensive. I would like to conclude by thanking, as always, the exceptional work of the committee secretariat. We would not be as effective in our jobs without their ongoing and tireless support.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (16:41): Government senators have considered the majority report of the Finance and Public Administration References Committee on the administration of the Pharmaceutical Benefits Scheme and disagree with its findings. The evidence taken during the inquiry does not support the position that the government's decision to defer the listing of certain medicines under the Pharmaceutical Benefits Scheme is a major change in government policy or will have a serious detrimental effect on the PBS, as noted by Professor Lloyd Sansom AO, Chair of the Pharmaceutical Benefits Advisory Committee. Before I go on to quote him, I would like to formally thank him here, in the chamber, for his services, as I understand he will be retiring from that position. Professor Sansom said:

Governments have also accepted other PBAC recommendations, such as price reductions for biological disease-modifying antirheumatic drugs listed on the PBS for the treatment of rheumatoid arthritis and recommendations that certain medicines should comprise therapeutic groups. ... Previous governments have decided not to accept other recommendations of the PBAC. For example, the recommendation of the PBAC in 2001 to maintain the price relativity between the ACE-inhibitor class of drugs and ATRA class of drugs.

The government of the day sometimes accepts recommendations of the Pharmaceutical Benefits Advisory Committee and sometimes it does not. The contention that somehow this 'constitutes a major, unnecessary and unwelcome change in Government policy' is not borne out. Professor Sansom said that advisory committees 'advise governments, and we have a democracy where governments make decisions'. But coalition senators continue to put the following view:
This profound and ill-considered change in policy puts at risk affordable access to medicines for Australians, and will have significant consequences for the pharmaceutical sector, including research and development.

What did the industry say? Mr John Latham of Pfizer echoed these sentiments:

When you look at the role of the pharmaceutical industry and what we do, our role is really to innovate and work in a system that discovers and brings new medicines to market. Those medicines are there to treat diseases. For critics to say that the industry are threatening to not bring new products to Australia because we do not like the system is rubbish. We are here and our job is to discover medicines and bring them to citizens around the world.

Yet the coalition senators continue in their view:

Further, the committee is concerned that the independence and reputation of the PBAC will be irreversibly damaged by the referral of all listings for Cabinet consideration.

But Mr David Learmonth, Deputy Secretary of the Department of Health and Ageing, said:

Companies are still actively seeking listing on the PBS, as evidenced by the fact that there has been no change in the total number of submissions received for consideration by the PBAC over the last three months. On the contrary, the July meeting of the PBAC received a record number of submissions.

Besides, the coalition senators have ignored that the number of deferrals is very small and will not impact upon the overall operations the Pharmaceutical Benefits Scheme. The deputy secretary went on to say:

Finally, whilst eight deferrals were announced in February this year, two of these have subsequently been listed. No medicines recommended by the PBAC, at its March 2011 meeting, were deferred by the government and, by September this year, 152 new drugs or amendments to listings of existing drugs will have been listed on the PBS, reflecting the government's continued commitment to list medicines.

The coalition continued:

The government has made much of the need to be fiscally responsible in the current economic climate.

Various witnesses concurred that fiscal responsibility was an important consideration for the government. Mrs Liliana Bulfone from Deakin University said:

In a perfect world there would be no need for a cabinet review of the PBAC decisions, but we acknowledge that affordability of medications in the short term is definitely an issue that the government may need to consider, particularly in circumstances where the drug has an effect over a very long time horizon.

Professor Sansom said:

... there will always be some patients who will not have access to a particular medicine under the PBS, as it is not sustainable to list every single medicine.

Finally, the Deputy Secretary of the Department of Health and Ageing concluded:

I would argue that the biggest hurdle for a company as to whether a drug ends up being subsidised on the PBS remains the PBAC, the Pharmaceutical Benefits Advisory Committee.

And:

In 2010, 63 per cent of all first-time, cost-effective submissions were rejected by the PBAC. This is not a one-off statistic but a consistent marker of the rigour of the assessment process undertaken. It is this assessment process which I would suggest is the main decision point for companies in determining whether to bring a drug to the subsidised market in Australia.

This inquiry did not conclude that the Pharmaceutical Benefits Scheme was seriously harmed. It did not conclude that industry would withdraw from the Australian market. The inquiry did not conclude that the government should not be fiscally
responsible, nor should it and nor has it ever rubber stamped the Pharmaceutical Benefits Advisory Committee's recommendations and it did not conclude that the memorandum of understanding with Medicines Australia had been undermined.

Senator DI NATALE (Victoria) (16:48): I am very pleased to have the opportunity to speak for the first time on the real business of the Senate by joining the debate on the report of the Finance and Public Administration References Committee on the administration of the Pharmaceutical Benefits Scheme. This was my first engagement with the committee system. It is an invaluable way for the government, the parliament and the community to engage with issues that affect their lives. I thank the committee members for helping me through my first days and, in particular, Senator Ryan, who was very helpful with some of my questions.

The PBS is well regarded internationally. The Pharmaceutical Benefits Scheme is loved by Australians. It is a scheme which provides secure access to lifesaving medication for Australians and they quite rightly are very protective of it. It is a sound investment in the health of Australians and it is one of the few areas of public policy that has been based on demonstrated cost effectiveness. So we need to be very protective of the Pharmaceutical Benefits Scheme.

We understand the dilemma that the government is in. It is expensive and the cost of medication is increasing all the time. We know that there are competing priorities for our healthcare spending and it is prudent for the government to review the expenditure of the Pharmaceutical Benefits Scheme. But the decision by this government to defer the listing of a number of important medications was a serious mistake and we urge the government to reconsider that decision.

It is one of the few areas of public policy that has managed to unite the coalition, the Greens, the pharmaceutical companies, the health professionals, industry groups and consumer health groups against a decision made by a government. It was a bad decision and it has in fact undermined the integrity of what is a very rigorous process. It has shaken the faith of people in the industry, consumers and the industry itself because it relies on the fact that the industry is able to invest in medication, achieve certain benchmarks and know that when the time comes, if those benchmarks are achieved, that medication will be listed.

The Greens have tried to be very constructive through this process, and we think that there are other areas of action that may warrant some attention. In particular, we think that the issue of the generic industry has the potential to save the government billions of dollars. One of the critical things that needs to happen is that generic medication needs to be made available without delay when patents expire on originator medications.

We need to make sure that there are incentives within the system to ensure that manufacturers have proper incentives to discount their drugs. We need to make sure that mandatory price reporting is not weakened and applies across all major therapeutic classes. We also need to ensure that the medical profession is prescribing medication according to guidelines that are efficient and that we are prescribing medications for the prescribed indications. We do believe it is a mistake. We know that there have been precedents for this. We know that there have been several occasions where the government has made a decision to defer the listing of a medication that has been approved by the PBAC. However, on this occasion the circumstances are very different. We think that it is critical that the
government review this decision in light of the number of submissions that were presented to this committee and we think we need to be focusing on the long-term sustainability of the Pharmaceutical Benefits Scheme through the measures that we have described in that report. We urge the government to reconsider.

Senator FIERRAVANTI-WELLS (New South Wales) (16:52): I rise to speak on the report of the Finance and Public Administration References Committee on the administration of the PBS which Senator Ryan justly referred to as another government debacle. The treatment of life-threatening illnesses has been compromised by the decision of the Gillard Labor government to defer listing new drugs on the PBS. A Senate inquiry heard in Canberra that there was no formal criteria for the deferral of drugs and that the government's own advisory body had no inkling of this turnaround in policy prior to the announcement by the Minister for Health and Ageing on 25 February. Patients have every right to feel cheated by this decision and the Pharmaceutical Benefits Advisory Committee had every right to feel ignored.

It was obvious from the evidence that there was no consultation before the Gillard cabinet made this arbitrary decision to defer the listing of eight new medicines and vaccines. The Department of Health and Ageing even admitted that the initial decision to defer drugs was made in February 'in the context of the overall fiscal environment'. The penny-pinching Gillard government have been caught out trying to cut life-saving treatment to make its own bottom line appear healthier than it is.

Minister Roxon thought she could win brownie points, but the inquiry rightly exposed the hot anger in the medical and pharmaceutical communities over the meddling by a group of people unqualified to make life-and-death decisions on people's treatment. How must the independent members of the Pharmaceutical Benefits Advisory Committee feel knowing that their expertise was ignored by Minister Roxon? Wouldn't you like to have been a fly on the wall when they had their closed-door meeting shortly thereafter when all their officials were sent out of the room? Surely this must compromise the professional integrity of the members of the committee.

We learnt from the inquiry that patients with conditions needing treatment with the deferred drugs had to take their chances. If they could afford to pay, they won the treatment lottery. If they could not, they missed out. The Deputy Secretary of the Department of Health and Ageing, Mr David Learmonth, told the hearing in answer to my question that the decision to knock back the listing of Botox as a treatment for excessive sweating, as explained by a young witness—

Senator Cameron: Tony Abbott cut a billion dollars out of health.

Senator FIERRAVANTI-WELLS: Madam Acting Deputy President, I ask you to kindly call Senator Cameron to order and exercise your discretion from the chair.

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Pratt): Order! Senators must come to order and allow Senator Fierravanti-Wells to continue.
Senator Polley: Take him on like you did the aged-care system when you were in government.

Senator FIERRAVANTI-WELLS: Or like your mate Mr Thomson on the weekend with his disgusting behaviour, Senator Polley.

Senator Polley interjecting—

Senator FIERRAVANTI-WELLS: Yes, absolutely; happy to take him on like the other day.

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT: Order, Senators! Senator Fierravanti-Wells, I am on my feet. I ask the Senate to exercise some orderly behaviour. I call Senator Fierravanti-Wells to continue her remarks and ask her to direct her comments through the chair.

Senator FIERRAVANTI-WELLS: I was referring to the comments by Mr David Learmonth. In answering my question, he told the hearing that the decision to knock back the listing of Botox as a treatment for excessive sweating, as explained by a young witness, Ms Cheye-Ann Ellsum, at the Melbourne hearing:

... was the decision of government in the case of that particular medicine.

He dismissed it offhand just like that—just like Minister Roxon dismissed it offhand. This young lady needed Botox injections to treat severe sweating. Her grandparents had to pay after the treatment was refused subsidy. As she gave evidence, we thought thank goodness for her grandparents. This young woman was prepared to appear before the committee so that we could hear how these decisions taken around the cabinet table in Canberra have drastic and debilitating effects on people's lives. This young witness is the face of that bad decision.

And there was another witness who appeared before the committee: Renee Hindson, a single mother who had a brain tumour and needed certain drugs. I wish to put on the record my admiration of both these witnesses for their courage in coming to give evidence. Frequently at these inquiries we have officials and companies, but we do not often see these sorts of witnesses. It was difficult but very good that these people gave evidence.

Initial costs for new drugs can mean long-term savings, but the PBAC's recommendations have been ignored by Minister Roxon and her cabinet colleagues. This is not an ideal way to formulate health policy. What is the point of having an expert advisory body if its advice is ignored? These decisions have a real impact on the quality of people's lives. The committee heard that the pharmaceutical companies felt frustrated. The deferrals go against the spirit of the memorandum of understanding between the industry and the government. The inquiry exposed the anger in the medical and pharmaceutical communities over the meddling by a group of people unqualified to make life-and-death decisions on people's treatment. This is the same government responsible for billions of dollars of waste, as I said, in pink batts, BER and the rest.

Senator Williams: Billions and billions!

Senator FIERRAVANTI-WELLS: Billions and billions—thank you, Senator Williams. It has refused to subsidise life-saving treatments for thousands of Australians so that it can pay for its mismanagement—its utter, total mismanagement—of the economy.

Government senators interjecting—

Senator FIERRAVANTI-WELLS: All that waste, and yes, people will pay for this as a consequence of your mismanagement. Witnesses from the pharmaceutical
companies said tens of thousands of patients had been affected and potentially many more would be if new drugs were not made available. Of course, federal cabinet will be making life-and-death decisions, a point succinctly and repeatedly made by so many witnesses. Companies were being discouraged from investing in research and development because there was no certainty in the process anymore. Senator Ryan referred to the five recommendations that the committee is making. These go to overturning the decision that the Gillard cabinet made to get involved in the process. It should not have been involved.

Senator Polley went on about the record number of applications to the PBAC during the July meeting. Of course, Senator Polley, there were record numbers, because the process started—as if you were not listening—years ago, and the July meeting was the end result of a process. Even you, Senator Polley, should be able to understand what was said in simple English, and that was that this was the end of a process.

Senator Conroy: Time!

Senator FIERRAVANTI-WELLS: I have still got a minute and 51 seconds, Senator Conroy. The government should withdraw the statement it made on 25 February 2011 regarding the deferral of the listings of new medicines and the new rules applying to listing from that point forward. The government should retract the statement that the PBAC listing recommendations will not be proceeded with until savings are found to offset the costs of listing those medicines under the PBS. The government should explicitly state that it rejects any implications that the listing of new medicines requires savings to be made elsewhere in the health portfolio. The government should restate its commitment to making an explicit decision regarding the listing of new medicines on the PBS within the terms and intent of the memorandum of understanding signed with Medicines Australia on 6 May 2010 and re-signed on 28 September 2010, and it should reinstate the $10 million rule so that medicines that have a financial impact of less than $10 million in each year over the forward estimates can be listed on the PBS schedule by the minister without waiting for cabinet approval.

Question agreed to.

FIRST SPEECH

The PRESIDENT: It being after 5 pm, pursuant to order, I now call Senator Gallacher to make his first speech. I ask honourable senators that the usual courtesies be extended to him.

Senator GALLACHER (South Australia) (17:03): Thank you, Mr President. I take this opportunity to congratulate you on your re-election as President. I trust I will benefit from your wisdom and guidance as I learn the ropes in this place. To all new senators I extend my congratulations on your election. To the very capable parliamentary staff: I thank you for your welcome and guidance to date.

I fill a vacancy created by Annette Hurley's decision not to seek another term. Annette has set a high benchmark through her dedication and work ethic. Her contribution to the Labor Party has been of the highest order, and the fact that I have inherited a fully functioning office with well-trained and capable staff is testament to Annette's demonstrated capacity for always doing the right thing, ensuring a smooth transition. As a new senator I greatly appreciate the fact that Nimfa Farrell, Peter Gonis, Matthew Marozzi and Dianna Zollo have chosen to continue their service. I look forward to continuing and upholding the high standard set by Annette and wish her all the best in her future endeavours.
I was born in New Cumnock, Scotland, in 1954 and arrived in Australia in 1966. My father, like so many migrants, came to Australia seeking a better chance for himself and his family. Sadly, my mother and father are no longer with us and cannot be here today. However, I am certain they would be very proud. However, my Aunty Doris and Aunty Mattie put a little Scottish perspective on hearing the news with stern advice along the lines of, 'Don't get a big head,' and, 'Don't get too big for your boots'—advice I intend to heed.

Many people have been instrumental in my taking this place as a senator for South Australia—firstly, the Labor voters of South Australia. I am deeply humbled and honoured to be one of your representatives. I will strive to be true to the Labor values of a fair go and a better chance for all. It is my belief that the Labor Party is the only party that provides all Australians a greater share of the prosperity of this great nation. I truly hope I can repay the faith that you have placed in your party in electing me to this place.

My wife, Paola, has been a tower of strength. Her love and capacity for ensuring the important things in life—family, children and grandchildren—are front and centre have ensured that I have become a much better person, ensuring the humility and respect for others necessary to make an effective contribution. Our children, Caroline, Ian, Terry and Frank, are a source of immense pride and, along with Dave, Seonaid, Tammy and Sharon, hopefully the source of many more grandchildren to add to the ranks of Connor, Lachlan and Mia.

I firmly believe that all Australians want a better environment and a greater opportunity for those who come after them and I will endeavour to fulfil that obligation in my role here in the Senate.

To my brother Joe, a lifelong source of good advice and stability: I thank you for being here to share this occasion. A number of friends and family are here tonight proudly wearing medals pertaining to military service, without which our country would not be what it is today. I salute your past and continuing service. I well remember that vigorous debate on the TWU committee of management when the Howard government committed troops to Timor. The debate ended when it was realised that the government had the executive power to commit the troops and it was then the job of the TWU, in the words of WA secretary Jim McGiveron, to make sure the troops had everything necessary to ensure their comfort and success. We must never let our democratic right to argue for or against military involvement obscure the fact that an elected government has the authority to commit our armed forces to places of conflict. It is my belief that we must always resource and afford our complete respect to our people who bravely take up that challenge.

Many friends, present and absent, from all walks of life have wished me well. I salute you and assure you that your contribution to my development is greatly appreciated. John Camillo, AMWU; Deb Black, FSU; and Bob Donnelly, ETU: I thank you and your organisations for your friendship and support. To Peter Malinauskas of the SDA, a wise head on young shoulders, I say: to have so capably replaced former secretary Don Farrell in such a short time is a testament to your dedication and work ethic. I am privileged to have your friendship and your organisation's support.

To my good friend Don Farrell, who encouraged me to take up the role, I say: I will endeavour to reward your confidence and friendship. My friends at the TWU of Australia—Jim McGiveron, Tony Sheldon, Michael Maine, Wayne Forno, Wayne
Mader, John Berger and Peter Biagini—and many rank-and-file members, delegates and executive members have all congratulated me on my elevation to this place. I thank them. I promise I will endeavour to uphold their ideals and aspirations for safe, secure and well-paid jobs.

To my successor at the TWU SA-NT branch, Ray Wyatt, and his team in South Australia and the Northern Territory I say that I am confident you will take our branch along the pathway to greater success. I cherish the loyalty and comradeship of existing and past office holders. The branch’s success is evidence of the untiring efforts of those selfless characters who I have had the privilege of working with. Bryan McIntosh, Bob Whinnen and my great friend and confidante former president Doug Frusher are real standouts amongst many contributors in my 23 years at the TWU.

It is the function of first speeches to outline key interests and policy drivers. There are no surprises here. I have three priority interests—the transport industry, road safety and superannuation. I have been involved in the transport industry all my life. In my humble opinion, there is no better place to work. There is no smoke and mirrors, just plain-talking, hardworking employees and employers alike in a tough, competitive industry which works harder than most people imagine and continues to work while most people are asleep. Along the way, I have been privileged to meet some icons of the transport industry—some well known and others not so well known. They all share common attributes—that is, a capacity for hard work and a selfless dedication to the task at hand. Employers and employee representatives in the transport industry share these attributes and have generally made the industry a very efficient machine, putting the goods in the right spot, on time and in full, ensuring the society we live in functions effectively.

Clearly the transport and distribution sector is a vital part of our economy, and it is facing massive growth and massive challenges. A recent study by the Victorian Transport Association indicated profitability and driver availability were the two most significant issues facing this sector of our economy. This is the age-old transport issue: how can an industry attract new skilled entrants when constrained by profitability? Combine this fact with regulatory authorities diligently working in states and territories across an industry which effectively has no boundaries and real challenges emerge.

The fact that only a third of the transport task is long distance does not diminish the importance of that component. Just-in-time or, more accurately, exactly-on-time delivery schedules increase the challenge. Local distribution tasks integrate with intercity and interstate operations, ensuring the necessities of life are in the nation’s supermarkets and retail outlets.

Concentration of power in the freight owners creates an imbalance in negotiations which often impacts on profitability, cascading down into increased pressure on operators, with negative outcomes for the industry and the broader community.

Regulatory authorities are an important part of protecting our community. They need to be given the resources and the direction to actively pursue those disreputable operators not complying with the regulations and ensure a level playing field which will allow the reputable operators to gain a fair return on their investment.

The industry’s contribution to carbon emissions is a significant challenge. The industry is responsible for about six per cent of our carbon emissions, and this is predicted to double over the next 20 years. Major
industry groups believe they can reduce 20 per cent of these emissions through reduced fuel consumption initiatives which I believe government should support. Technology in engine design may also reduce carbon emissions. However, doing nothing is not an option, as passing on the increased costs imposed will have a significant impact on inflation, affecting every household and business in the community.

Professional drivers should be able to complete work without excessive fatigue, injury and death as a daily challenge. Clearly, safe systems of work are the responsibility of all participants in the transport chain. The impacts in human terms and economically of getting it wrong are enormous. To quote our Prime Minister at the ACTU congress in 2009:

We will make sure that payment methods and rates do not require drivers to speed or work excessive hours just to make ends meet.

Clearly the transport industry faces many challenges; however, it always has. Its entrepreneurial spirit is undiminished. Challenges will be met; transport workers and their employers will soldier on. It is unlikely that Australia will wake up one morning and find the necessities of life not in the nation's stores. However, a prudent approach would be to not take this for granted and to work towards increased stability in the sector by careful evaluation and action on the demonstrated needs of this sector. A lifetime on the road in my working life and capacity as a TWU official has made me aware of the ever-present dangers that each Australian faces every day when they drive their vehicle. I have a real passion for road safety. Our country's prosperity is reflected in our love affair with the motor vehicle. The freedom and mobility achieved by owning a car are tempered with the sickening human and economic cost of vehicle accidents. The various authorities charged with third-party insurance provision understand that death is relatively cheap when compared with the costs associated with serious and catastrophic injuries. The attendant economic costs are enormous, estimated to be $27 billion to the Australian economy. I have always believed that we should adopt the Swedish model of Vision Zero, which requires a move from traditional thinking. Vision Zero starts with this statement:

We are human and we make mistakes. Our bodies are subject to biomechanical tolerance limits and simply not designed to travel at high speed. Yet we do so anyway. An effective road safety system must always take human fallibility into account.

I am glad this Labor government is doing exactly that in the recently announced National Road Safety Strategy 2011-2020. There is no city or town across our nation that will not benefit from this fundamental shift in our approach to road safety.

Enormous effort is currently dedicated by all stakeholders in the provision of road safety. Many outcomes are heading in the right direction: improved roads, improved vehicle design, smart systems for avoiding crashes, rigorous enforcement and tremendous improvements in recovery and treatment at intensive care facilities of crash victims all play their part. However, I am certain that those dedicated people responsible for road trauma would prefer not to await with dread the next accident victims on any long weekend in Australia. Is it acceptable that our police, paramedics and firefighters are simply putting a body into a bag or cleaning up the blood left on our streets? Surely it would benefit all if they did not have to do such tasks. Sweden does it better with 4.3 deaths per 100,000. Australia, despite our geographical differences, can improve its 5.78 annual deaths per 100,000. Saving 1,291 lives and reducing 32,000 injuries...
across Australia is a challenge we should accept.

Finally, the toll amongst our youngest drivers is most severe. When our least experienced drivers make up far too significant a percentage of deaths and injuries then we are duty bound to advocate for change and integrate the failing human in design. It must be accepted that a great proportion of young drivers do not offend. It is the risk takers, the bulletproof few, that make up this disproportionate and dreadful statistic. The importation of vehicles into Australia with much lower safety features than Australian made cars, or the great majority of imported models, is a serious concern. These vehicles marketed on price alone will have a negative effect on any improvements in deaths and serious injury if they become popular amongst our most vulnerable road users.

As a TWU official with a long involvement in the improvements of workers' rights, I believe government must act in the interest of workers in retirement. Superannuation has been one of the great learning curves of my career. Along the way I have been privileged to work with many fine people. The TWU super fund and its board of industry representatives is a great organisation ably led by chairman David Galbally QC and CEO Bill McMillin. I am honoured by the presence of Bill McMillin and director Peter Garske here tonight. The challenges facing industry funds are numerous. I am grateful that the Labor government is introducing significant reforms such as MySuper and is moving to increase the superannuation guarantee contribution to 12 per cent. Low fees and no commissions are critical drivers of increasing member accounts. Members' interest in super accounts generally equates with increased balances, and often education is least evident at the most important times. Lack of education or even interest at the most important time—that is, when you are young—is commonplace. In order to take advantage of what Einstein referred to as the eighth wonder of the world, compound interest, young people need to be educated, preferably at school.

Our national superannuation savings pool of $1.36 trillion is the envy of the developed world. The fact that the Howard government dropped the ball and failed to deliver on improved legislated contributions was an important opportunity lost. The changing demographics of our nation and the fact that we are living longer and therefore need to fund a longer period of retirement present some real challenges. Increased migration boosting the workforce is one solution. Our children accepting a greater tax burden for the costs of providing for longer retirement is another. However, I believe we should educate and ensure people have the skills and the contributions necessary to fund a good retirement outcome, whilst ensuring the age pension remains as a vital safety net.

Members will always demand value for money, and it is my belief that this is best achieved by the industry fund not-for-profit model, with all profits back to member accounts. Trustee directors representing employer and employees and only acting in the best interest of members are a world-class model. The Australian superannuation industry has a remarkable record in achieving rationalisation of funds. Clearly the appropriate and prudent regulation of long-term investments on behalf of members needs to be stringent and the cost of complying has driven rationalisation. Various studies have shown that many funds have achieved brand status, with loyalty driven by industry participation and trust in the board representatives. The optimum number of funds and the optimum size should be left to the members, who will vote with their account should a fund lapse in standards. Enforcement of employer
obligations is an industry concern. Whether it is an employer simply not honouring its obligations or going broke is an increasing concern. Little seems to be done to pursue those not meeting a legal obligation, and in my view this inequity needs to be addressed. For the nation to continue to build long-term national savings in a world awash with debt is too great an opportunity to be missed. All efforts should be made to increase our long-term savings, as clearly the power in the world rests with the lender not the borrower.

The main threat to super is the increasing level of uncertainty in members' minds in respect of share markets. Their interest increases with account balances and members make decisions, usually conservative decisions, which comfort them in uncertain times. However, this may not be in the best interests of their future retirement outcomes. After owning their home, superannuation is possibly the next biggest investment of workers. An increasing aversion to volatility could open up opportunity to invest in simple and clear products, providing capital for infrastructure. The things you drive on, work in or fly out of—you can see them and they cannot disappear in a global financial meltdown. They generally behave in a predictable way and should deliver a higher return than cash. An education campaign to increase members' awareness and understanding may see growth in allocation to infrastructure as an investment for the long term. Simply switching between a balanced option, a growth option or a cash option as a result of the daily news is unlikely to secure the long-term result required for enough retirement income.

Finally, I will finish with the following quotation by Theodore Roosevelt, sent to me by my daughter Caroline:

Far and away the best prize life has to offer is the chance to work hard at work worth doing.

My daughter has captured in that quotation something that I have tried to do all my life, and I hope to continue that work in this place.

FIRST SPEECH

The PRESIDENT: Order! Before I call Senator Wright, I remind honourable senators that this is her first speech; therefore, I ask that the usual courtesies be extended to her.

Senator WRIGHT (South Australia) (17:26): It is a tremendous honour to stand here as a senator for my state of South Australia. I am also very proud to be representing the Australian Greens. As Greens we are guided in all we do by four clear principles: social justice, environmental sustainability, peace and participatory democracy.

I would first like to acknowledge that we are standing on the lands of the Ngunawal people and I pay my respects to their elders, past and living. Indeed, everywhere we stand in Australia we are standing on Aboriginal lands. Those of us who came later are privileged to share this ancient continent with the original Australians. It is just that we acknowledge their rightful place, their prior occupation over 60,000 years and their sovereignty, both in our Constitution and in our everyday lives.

I am conscious that I owe my presence here today to many people and I offer them my thanks for their generosity and commitment. They were Greens party members and supporters, and friends from my community. They volunteered thousands of hours to elect a second Greens senator for South Australia in the faith and hope that the greening of the Australian parliament will be a good thing for Australia and for the future. As well, over 100,000 South Australians voted for the Greens, some of them for the
first time. I am mindful of the trust that resides in every vote.

There are a growing number of Australians who believe that we need to do things differently if we are to meet the challenges that this century brings us. They see the Greens as offering a courageous and creative vision for achieving this. I wish to thank my Greens colleagues in this parliament and throughout Australia for their support and welcome. There are now many of us working to bring our values to the parliaments of Australia. I would particularly like to thank my colleague Senator Sarah Hanson-Young for her help and encouragement throughout the election campaign and since.

I was fortunate to have wise and loving parents. Above all things, they encouraged me to be true to myself. Neither of them is here today. My father, Hugh Wright, died 15 years ago after a full and energetic life. My dear mum, who is 89, is too frail to travel but is watching this on a computer in Adelaide. If people would allow me an indulgence, I would just like to say, 'Hello, Mum.' They are both here with me in spirit and live in the values they modelled to their children every day—kindness, fairness, honesty, humility and courage. I hope to bring those values to my work in this parliament.

I made my home in South Australia 20 years ago with my husband, Mark. We came for his work and the family-friendly scale of Adelaide. It has turned out to be a wonderful place to raise our three children, Felix, Eleanor and Mungo, in the foothills of Adelaide, amidst a strong, caring community where people look out for each other. I thank my kids and Mark for their unwavering support and love for me. The feeling is absolutely mutual. They are my rocks.

Throughout my life, I have been blessed by loyal friends. I cannot hope to name them all, but a few deserve a special mention because of their generous role over the last two years in helping me to reach this place. There were some unexpected challenges along the way after I was hit by a car last year and did most of my campaigning from a wheelchair. I place on record my particular thanks to Carla Humphries, Jo McIntyre, Liz Davies, Kathy Gadsden, Jennifer Bonham and Marian Browett. That is not to say that I have not had support and encouragement from many other people.

I was lucky to be born into a big, rambunctious family, No. 6 of seven children—and anyone who comes from a large family knows how important your number is! So I was introduced to politics at an early age. There was a span of 19 years between my eldest brother, Neil, and my youngest sister, Felicity—and Pam, Prue, Gavin and Ian were in between. Being one of the youngest, I grew up hearing passionate discussions around the dinner table, and my older siblings brought the world of ideas and current affairs into our home. In the 1970s, that included the Vietnam War, feminism and Aboriginal land rights. There was also a growing understanding that human population pressures and technologies were threatening the natural world.

As well as ideas, they brought their partners—from Czechoslovakia, Yugoslavia, as it was then, Denmark and Taiwan—and then introduced me to the world. I visited Pam in Papua New Guinea, just before independence, and I have visited Flick in many places, including Cambodia and the Aboriginal townships of Yuendumu and Oenpelli. Flick cannot be here today—she is in Cambodia—but I send her my greetings.

These experiences have all made me what I am today. I am curious and passionately interested in the rich variety of cultures and viewpoints in Australia, and yet I also
believe that the things we have in common are vastly greater than our differences. Being part of a big family means that I feel connected to many parts of Australia. I was an auntie at six and a great-aunt at 30, and I have many beloved nieces and nephews across the nation. Some of them are here to help me celebrate today.

My early years were spent in the country town of Red Cliffs, near Mildura, and I still identify to some extent as a country girl, although I moved to Melbourne when I was seven. I attended government schools, and I am grateful to many dedicated teachers who challenged me and encouraged me to learn and excel. There was one in particular who introduced her year 9 English class to debating and public speaking and probably had little idea what a monster she was creating!

Universal quality public education is crucial for a fair and thriving society, and I have witnessed the increasing sectarianism of schooling and the exodus of parents from the public system with regret. To change this trend, government schools must be properly funded and valued. In an increasingly divided community, where people's destinies are often determined by their postcodes, quality public education can be a unifying force. It fosters connection and understanding by bringing together children who would otherwise always move in different orbits. For many children, it is the lifeline that will help them achieve their potential. I believe we are all impoverished when our public schools are starved of adequate funds. A fragmented society of have-lots and have-littles is not healthy for any of us, however privileged we are. In this parliament, I will work to promote and strengthen public education.

At Melbourne university I studied law and arts, and my course was set when I met Mark in a crowded lecture after I had been to an early but well-lubricated breakfast of calamari and claret. Since then, we have spent our life together, much of it on bikes, sharing many joint projects to make the world a better place. It has been a great journey. As a lawyer, I have mainly worked in the 'little' end of town, with people who find life challenging, including tenants, people on low incomes and people who live with mental illness. I have also taught public health and environmental law.

I learnt more than torts and taxation law while I was at uni. My most important lesson happened at the Franklin Dam blockade. In the fight to save the river from the same fate as Lake Pedder, I chose to be arrested, although I was jeopardising my future legal career. It was not just the beauty of the site or the spurious case for the proposed dam that drove me to take this step; it was also the cynical decision by the Tasmanian Premier to stop a peaceful protest by making it a crime to trespass on what had been public land. Down at the Franklin, I saw the strength that comes from people standing together for a shared belief in what is right. Each time I return to Strahan and see the beauty of the Gordon and Franklin rivers, which now draws people from all over the world, I am reminded of how right that action was and that we can all make a difference.

All around Australia, there are places that have been saved by persistent greenies, environmentalists who will not give up—and we all benefit. John Sinclair battled Joh Bjelke-Petersen in the 1970s to stop sandmining and forestry on Fraser Island. It is hard to imagine that anyone visiting that beautiful World Heritage listed island now would bemoan the decision to protect it. In South Australia, I am proud to say, after a long campaign by many, including the Greens and the Wilderness Society, the
magnificent and archaeologically unique Arkaroooola region will now be protected from mining. Again, I am sure that future generations will give thanks for that decision.

This century brings some huge challenges. At one time, the earth seemed so vast it was inconceivable that we could ever reach its limits. But it is now clear that our planet is finite and that we are living beyond our means. Population growth from one billion to seven billion over 200 years, coupled with massive industrialisation, has led to overuse of the earth's resources and pollution. Those of us who read the science and will not turn away from the evidence, however tempting it is to do that at times, have been aware of the signs for years. We face increasing water scarcity, more extinctions happening now than in the last 65 million years, collapsing fish stocks and peak oil. These are all symptoms of a crisis that will not go away just because we ignore it.

Too often, governments do not respond to these signs and proceed as if the environment were some kind of optional extra which we can choose to factor in or negotiate away. Conventional economic theory reinforces this view. It was developed at a time when the environment was thought to be limitless, so it does not properly account for the real environmental costs of any particular activity. Because of this, we often have no indication of the threats to the very things that we rely on for life—clean air, clean water and the means of growing food—until they become so scarce that it is almost too late. The current fierce controversy over coal seam gas mining is a case in point. It threatens long-term food production and aquifers on some of the most productive farmland in Australia. We must not proceed full steam ahead without fully understanding what is at stake. In the 21st century there is a risk that we will see the Cree Indian prophecy applied on a global scale:

Only after the last tree has been cut down, only after the last river has been poisoned, only after the last fish has been caught, only then will you find that money cannot be eaten. We cannot negotiate with the environment when it comes to the Murray-Darling Basin either. It is agreed that the problems in the basin stem from decades of poor short-term decision making. Scientists predict that there will be 90 per cent less rainfall by the end of the century due to climate change. The science from the Wentworth group has been carefully developed and peer reviewed, and it tells us that 4,000 gigalitres is the minimum amount of water to be returned to the river for a healthy river system. If we do not heed the science, the Murray will die from the mouth up—first in South Australia but ultimately affecting every community along its length. Of course, we must help the communities in the basin to adapt to changed conditions—we must share that responsibility—but this is not a contest between the environment and people. The environmental constraints are not negotiable. If we end up with another politically driven short-term decision, the Murray's fate will be sealed. Here, as elsewhere, the science must prevail over the politics.

It takes courage to face up to these environmental challenges squarely without flinching, and it takes integrity to communicate them to an electorate that is not always willing to hear about them. Many people are understandably confused or fearful, especially at a time when simplistic slogans and frightening hyperbole are often substitutes for reasoned debate. But members of this parliament have no excuse for ignorance; we have access to the best information and advice available. We have been entrusted to be here. We have a duty to inform ourselves properly and then to make the best decisions in the long-term national
interest on behalf of the people who voted us in. To me, that is the definition of leadership.

When it comes to climate change, we Australians are the highest carbon polluters per head on the planet. We often hear calls for responsibility over rights, so it is shameful that some political and business leaders are urging that we should shirk our fair share and dig our heels in until we are forced to act. This is especially so when our Pacific neighbours like Kiribati and Tuvalu face inundation. If we are unable to treat asylum seekers humanely, even at this point, how will we cope with the many climate refugees who will inevitably be forced to flee their homeland in the future? We have a moral duty to take responsibility for our role in their predicament.

Morality aside, it is only a matter of time before industries and nations must become low carbon. Australia can choose to meet this challenge by steadily moving away from fossil fuels and our traditional ‘dig it up and sell it’ culture to a cleaner economy based on renewable energy, energy efficiency, smart technology and innovation or we can refuse to change as urged by some and end up like General Motors in the US. For years their competitors developed more efficient cars spurred by high fuel costs in the rest of the world. But General Motors functioned in a fool’s paradise protected by low oil prices in the US. They kept making cars the same old way until the height of the global financial crisis, and it was only then that they were saved from bankruptcy by a bailout of taxpayers’ money reportedly to the tune of $49 billion.

We now have a clean energy strategy for Australia, including a price on carbon. This will be a vital sign to the market that the cost of carbon pollution can no longer be ignored. I am immensely proud of the role the Greens have played in ensuring that climate change has been squarely on the agenda in this term of parliament. This is a commitment we made before the election and it is one we have honoured.

I want to see an inclusive Australia, where all people can participate fully and achieve their best. Most Australians like to think that we are an egalitarian nation, and I think it says something good about the national psyche that this is important to us. Sadly, though, on any clear-eyed view there is a growing gulf between those who are doing well and those who are not. In Australia today, an unemployed person with rent assistance gets $295 a week. At the same time, the average CEO of one of the top 50 companies gets $123,000 a week. In Australia today, it is estimated 105,000 people are homeless, many of them young. In Australia today, we lock up people, including children, who come here fleeing war and torture. The asylum they seek was a responsibility we took on in 1951 when we signed the United Nations refugee convention. Indeed, in Australia today we redraw the map to pretend that some parts of Australia are not really Australia at all. The legal term for this is excision. It sounds innocuous enough but it actually means notionally cutting away swathes of our territory. As a lawyer, I have been ashamed to see the legal contortions we have engaged in to avoid our international obligations. How have these things come to pass in the land of the ‘fair go’? And why is it ‘extreme’ to name them and seek to change them? One way of promoting fairness is to keep our most important institutions in public hands so that they are available to everyone, irrespective of their income or status. Services such as good quality public transport, housing, health and education allow everyone to share the benefits of living in a community and having their basic needs
met. In this parliament I will fight for those services.

At this point I should also mention public broadcasting. I fought passionately to save the ABC from funding cuts and attacks during the Howard years. While it is not necessarily essential for physical survival, I believe that an independent, quality public broadcaster—free from commercial influence—is essential for the survival of our own quintessentially Australian culture and to provide the information which is the currency of democracy. I watch with concern as many of the qualities of the ABC we fought for in the 1990s are now under threat by decisions that are being made in 2011.

When I stand here to make my last speech I would like to think that I have contributed to making Australia a kinder, fairer place. If we practise kindness and fairness I believe that we can meet the challenges this century brings. If we act fairly we will balance Australia's interests with those of other nations, we will balance the interests of our species with the needs of other species—and by doing that we will actually enhance our own chance of survival—and we will balance the needs of today with the needs of tomorrow. That is what the Greens stand for. In all my decisions I am guided by the idea that we do not just inherit the earth from our ancestors; we borrow it from our children. I hope they will look kindly on the decisions we make in this parliament.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:49): On behalf of the Chair of the Senate Standing Committee on the Scrutiny of Bills, Senator Fifield, I present the eighth report of the committee. I also lay on the table Scrutiny of Bills Alert Digest No. 8 of 2011.

Ordered that the report be printed.

Senators' Interests Committee

Documents

Senator BERNARDI (South Australia) (17:49): I present documents relating to the register of senators’ interests, incorporating statements of registrable interests of senators lodged by 5 August 2011 and notifications of alterations of interests of senators lodged between 1 July and 5 August 2011.

Treaties Committee

Report

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:50): On behalf of the Chair of the Joint Standing Committee on Treaties, Senator Coonan, I present the 118th report of the Joint Standing Committee on Treaties entitled Treaties tabled on 23 March and 11 May 2011. I move:

That the Senate take note of the report.

Senator BUSHBY: On behalf of Senator Coonan, I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

Senator COONAN (New South Wales) (17:50): The tabling statement read as follows—

Today I present the Joint Standing Committee on Treaties Report 118, which contains the Committee’s views on two treaties: the Protocol on Investment to the Australia – New Zealand Closer Economic Relations Trade Agreement; and the Resolution MEPC.189(60) Amendments to MARPOL.

Mr President, Australia’s economic relationship with New Zealand is conducted within the framework of the Australia - New Zealand Closer Economic Relations Trade Agreement, colloquially known as ANZCERTA. It covers all trans-Tasman trade in goods and
services, and is the principal instrument for the elimination of trade barriers between the two nations.

The Protocol on Investment will raise the threshold below which New Zealand investors in Australia will require investigation by the Foreign Investment Review Board from a 15 per cent or more share of an Australian entity worth at least $231 million to an investment of $1.005 billion.

For Australian investors in New Zealand, the threshold below which they will not be subject to investigation has increased from $NZ100 million to $NZ477 million.

Both countries have retained the entitlement to review foreign investment originating in the other signatory in sensitive areas, such as urban residential and commercial property investment, media, telecommunications, transport, defence related industries and uranium investments in Australia, and farming, waterfront or sensitive land investment in New Zealand.

The Department of Foreign Affairs and Trade claims that the Protocol on Investment is in the national interest because it:

• will remove or reduce investment barriers;
• bring the treatment of New Zealand investors under Australia’s foreign investment regime in line with that granted to United States investors under the Australia United States Free Trade Agreement; and
• maintain Australia’s capacity to screen New Zealand investment proposals that are large or involve sensitive sectors that raise national interest concerns.

While the majority of the Committee supported ratification of the Protocol on Investment, the Report contains a dissent in relation to this treaty. The dissent implies that a number of Australians, particularly from rural and regional areas, worry that matters of concern to them are being lost in the debate over the broader national interest.

Mr President, the second treaty considered in this Report is the Resolution MEPC.189(60) Amendments to MARPOL.

MARPOL is a multilateral treaty regulating marine pollution. The amendments add a new Chapter 9 to MARPOL dealing with the use and transport of heavy fuel oil in Antarctic seas.

The new Chapter will prohibit the bulk transportation and use as fuel of heavy oils, bitumen and tar and their emulsions, unless they are aboard vessels securing the safety of ships or in a search and rescue operation, and ships owned and operated by governments, such as naval vessels, auxiliaries and research vessels.

The Australian Antarctic Division administers the Australian Antarctic Territory, and is the major Australian presence in the Antarctic.

The Division strongly supports the measures introduced under the Resolution. Nevertheless, implementation of the Resolution will have some operational and budgetary implications for its work.

Mr President, given Australia’s leadership in marine environment protection, it is worth noting that the research vessel chartered by the Division, the RSV Aurora Australis, already uses light fuel, and is therefore compliant with the treaty.

Australia’s stations in the Antarctic are also compliant.

The Division also contracts Russian flagged vessels to provide logistic support for its Australian Arctic Program. These vessels are large, specialised, ice strengthened cargo vessels which unfortunately operate on intermediate fuel oil, which will be banned under the treaty.

However, the Division advised the Committee that the fleet of ice-strengthened cargo vessels is nearing 30 years old, which is the usual end of a ship’s life. The Divisions expects to see a change over in this fleet to modern, compliant vessels in the next five years.

Mr President, I commend the report to the Senate.

Question agreed to.

MINISTERIAL STATEMENTS

Economy

New Zealand Imports

Senator McEWEN (South Australia—Government Whip in the Senate) (17:50): by leave—I present two ministerial statements
relating to the global economy and import conditions for apples from New Zealand.

Senator COLBECK (Tasmania) (17:51): I seek leave to move a motion relating to the statement by the Minister for Agriculture, Fisheries and Forestry in relation to the import conditions for apples from New Zealand.

Leave granted.

Senator COLBECK: I move:

That the Senate take note of the statement.

Needless to say, there is significant concern in agricultural sectors, particularly the apple and pear growing sectors, about the import of apples—especially given that, even though this process included the opportunity for industry to comment on the revised draft import risk assessment released by the Minister for Agriculture, Fisheries and Forestry some time ago, the sum effect of that was that nothing the industry said had any impact on the decision. While there is a perception that industry has had the opportunity to have some input into and a say in this process, the net impact is that the government has effectively gone with the draft import risk assessment that was released by the government two or three months ago. Effectively the government has gone with the decision of the Prime Minister when she made a statement to the New Zealand parliament while she was there, I think in April, that we would of course accept the WTO decision. Certainly she gave the impression that it did not really matter what industry here in Australia was going to say; we were just going to let New Zealand apples in.

There is sincere and significant concern here in Australia that we will end up with fire blight. The New Zealanders say they do not worry about fire blight anymore; they have learned to manage it. We are one of the few places that does not have fire blight, and we do not have the expense of dealing with it. Industry is understandably more than concerned about this decision, and particularly the pear growing sector. One of the reasons New Zealand does not have a pear industry is that they have fire blight, and fire blight is completely and utterly devastating for the pear industry. If anyone has seen a photograph of the impact of fire blight on a pear tree, they will know that growers effectively forget about growing pears. That is what has happened in New Zealand. I have had correspondence from someone in New Zealand saying: 'Why worry about our apples? I am enjoying one of your pears.' Of course he was enjoying one of Australia’s pears—because of fire blight you cannot get a pear commercially in New Zealand.

All through this process there has been a withholding of information. Industry tried and tried to get access to New Zealand's integrated fruit management plan. They were told that it was commercial-in-confidence and it was not until the opposition demanded in this chamber that those documents be released that they were finally released. When they were released, we discovered that they were largely as prepared in the import risk assessment. All the government had to do was tell the industry that this was a reproduction of what was in the integrated fruit management plan and the industry would have understood that. But, no, the government would not put that on the table. They said sorry, you cannot have it, it is commercial-in-confidence. So of course this huge level of distrust has developed between industry and the government over this process. How could the industry not be furious about this decision and be complaining bitterly about the result it has had?
The industry through the consultation process actually put some very sensible propositions to the government. They asked that no apples be imported into Australia from orchards affected by fire blight. The New Zealand integrated fruit management system identifies those orchards, because the orchards are treated; they are sprayed. It is very easy to identify orchards with fire blight. My understanding is that only about 10 per cent of New Zealand orchards have an incidence of fire blight on an annual basis, so let us just rule them out. That lowers the risk and mitigates some of the issues. We are going to have just a simple quality assurance program. What we are being asked to accept here in Australia for the defence of our disease-free status is a quality assurance system.

One of the other questions the industry has is where is the verification system? Where is there a strong process of verification? My understanding is that the shadow minister put to the minister last week a request that we have a completed QA process, a full verification process, before the fruit is shipped. I would have thought that was a simple process that did not step outside the bounds of what is reasonable. Let us have verification that all the things that are supposed to be done are done before the fruit is shipped. Then we can have a level of confidence that there is proper verification down the supply chain, and particularly through the packing process and the inspection process. Even that has been ignored.

Given the science we have had put in front of us that fire blight loses its viability over time, it would have been quite reasonable to impose a short withholding period. My understanding is that fire blight does not seem to be an issue anymore for New Zealand apples going to Japan because there is a two-month withholding period for other pests and diseases and over that time the fire blight bacterium decays and becomes no longer viable. Why not put something simple like that in place to mitigate the issues that might impact on the industry here? But, no, the government has not accepted anything the industry has said and the industry is justifiably concerned. Apple and Pear Australia Ltd said today:

The measures adopted in the final policy and determination for the importation of New Zealand apples are horrendously weak and we are extremely concerned that the three pests recognised as major risks to our biosecurity won't be controlled to the degree the industry requires.

Industry remain concerned about the possibility of fire blight coming to this country and I think it is reasonable that they continue to be concerned. The industry goes on to say:

It is critically important that the Australian Quarantine and Inspection Service maintains a high level of diligence in New Zealand and that there is no leniency in applying the phytosanitary measures.

One concerning thing which came through in this process was a statement by one of the representatives of the New Zealand industry who talked about the efficacy of the New Zealand system. There was an outbreak of one of the diseases in Taiwan that the biosecurity system was supposed to cover. This goes back to the issue of the withholding period. There was a breakdown in the New Zealand system which allowed a disease to get into Taiwan. The response from the CEO of Pipfruit New Zealand, Mr Peter Bevan, was:

No system is perfect and systems break down. That is what we are supposed to accept—that no system is perfect, systems do not work all the time, systems break down and an admission from Pipfruit New Zealand that this does not work 100 per cent of the time. I do not think that is acceptable.
It is really disappointing that the minister has not chosen to accept any of the sensible recommendations made by the industry here in Australia. I believe we are therefore in a situation where our industry has been exposed to the potential for fire blight. We know what it will do to the pear industry and we know that it will have an impact on our apple industry. It is extremely disappointing that we have gone down that track today where the minister has effectively refused to listen to anything industry has said.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (18:02): I rise to take note of the ministerial statement tabled in relation to the import of New Zealand apples, in particular the risk of fire blight. This parliament has considered this issue for many years. It has been before rural and regional committees many times and we have spoken to people in the department very often on this subject. The fact of the matter is that several years ago officials before our committee accepted that fire blight would come to Australia. That was accepted—it will come here. Let us not pretend that we are having any discussion other than an acceptance of the fact that, whatever quality assurance processes are put in place, the reality is that one way or another fire blight will come to Australia.

The question then becomes: will it spread? That is the point over which there was considerable contention and discussion. My view is, if you import a disease of this kind, it is inevitable that it will spread. The officials, however, have argued that that will not be the case. Frankly, I cannot and do not accept that. We know this is a devastating disease to the apple and pear industry and we know that when you have it, it fundamentally changes things. It is not just the occasional tree that you might be able to excise; it means wipe out, gone, finish. You can lose virtually the entire orchard or the entire district that might have been dedicated to apple and pear growing. So we know what the consequences will be.

 Australians must be asking themselves today: how is it that a nation with disease-free status, with an industry which trades on its disease-free status, would allow these products into Australia and risk that disease-free status? Why would Australia do it? Why would we go down this track? The answer is because of the World Trade Organisation rules. It is as simple as that. I am just so tired of the dedication in the Australian parliament to the extremes of the World Trade Organisation rules of free trade.

The Europeans must laugh at us every step of the way because, while they say they are committed to the WTO rules, never did a group of people subsidise and protect their agricultural product at every turn more than the Europeans. They say very clearly that their aim is to make sure that the European Union is self-sufficient across seasonal and latitudinal zones so that they can always be self-sufficient in food, that it is fundamental to their culture that they be able to grow their own food across their regions and they are sticking to the maintenance of small farms with massive subsidies. Australia can bleat its way around the Doha Round at every session of the world trade talks but the reality is that protectionism is there.

What has changed fundamentally is that with climate change and extreme weather events we are now seeing massive disruption to global food supply. The result has been that several countries have abandoned the world trade system. They have recognised that it does not matter how much money you have; if you have money but countries decide to withhold food, not to sell it, then you cannot buy it on the global market. That is why countries like China, Saudi Arabia, South Korea and Qatar have now said:
'Right, that's it. We will trade when it suits us but more particularly we are going to outsource our food production so that when there is a global food crisis we can just grow for ourselves at our outsourced land and water and bring that food back to the domestic market and completely ignore the trade rules.' That is why China has gone out, why the Saudis have gone out and why Qatar has gone out. They are buying up hundreds of thousands of hectares across the planet and the water rights to go with them. In the case of the Pakistanis, not only have they sold the land and water but they have sold a security force which goes with it because they recognise that at the time these food shortages really start to bite there will be hungry people outside the fences who want that food. So those countries will want to make sure that they can get that food out and back to their own countries, where they need it to be.

The whole set of World Trade Organisation rules pertaining to trade around food are now under serious question in the context of global food security. How do you maintain secure supplies of food in a global market and in an age of climate change in which outsourcing of food production is now becoming a fairly common thing for some of those countries?

People who are trying to protect Australia's disease-free status are automatically accused of trying to bring in protectionism. Minister Emerson is out there arguing, in every second speech he gives, that anyone who stands up and says that we need to protect our disease-free status and go strictly with science to get that disease-free status right is a protectionist and is using quarantine for protection—trying to protect Australian growers against competition. The reality here is that we have disease-free status and that is incredibly valuable. As a Tasmanian, I am more than aware of the significance of our environment in ensuring there is a significant premium, because we are disease free, for Tasmanian product going into all sorts of markets.

Australia is disease free. There are many countries who would, quite frankly, be very pleased if Australia got fire blight, because that would level up the playing field. Everyone would be very happy with that outcome, except the growers in Australia. You would say, 'This makes no sense; we do not want these apples from New Zealand.' The point is that Australia did say that we did not want the apples, but New Zealand took us to the WTO. We lost in the WTO. The appeal has been through, but we lost that as well. The situation is that, because of our commitment to WTO rules, Australia would, if it persisted in keeping the New Zealand apples out, run the risk of New Zealand taking retaliatory action against us big time. They could take retaliatory action against any other products—and Australia trades massively with New Zealand.

I am very aware that the coalition solution is to introduce a disallowable instrument which would enable the parliament to disallow any part of any free trade agreement in the future. That is a very interesting turn of events. It would make global news because it would mean that the coalition had abandoned the notion of the free trade system and was giving the parliament the ability to dismantle free trade agreements and any parts thereof. That is an interesting thing that shadow minister Cobb is talking about doing. It would certainly shake up the whole WTO process and where Australia sits in it.

From the Greens' point of view, it is essential that we not only maintain our disease-free status and use the best science we have to defend our disease-free status but also recognise that, as long as we have a
slavish adherence to the WTO rules, we are always going to be in this situation and we are always going to be fighting. The reason is that the basis on which we export is 'negligible risk'. It is not 'no risk'; it is 'negligible risk'. We say we send our product overseas on the basis it is negligible risk and, as a result, the New Zealanders say, 'You have these apples—since it is negligible risk, it comes into the same category.'

The discussion we should be having in this parliament is about how we are going to respond to the changed global trade environment in an age of food security and insecurity. How are we going to produce enough food for our own people and meet our moral obligation to supply as much food as we possibly can into a global scenario where people are going to be desperate for food? That is the reality of where we are going on this planet and that is the conversation we need to be having. It needs to be a much bigger conversation than just this.

I recognise the stress we are under in relation to fire blight and I particularly recognise the stress that those apple growers and pear growers are under because of this decision. I ask the government: what are you going to do when, inevitably, fire blight gets to Australia? And who is going to be liable? Who is going to pay and compensate the farmers concerned when fire blight devastates orchards? I cannot believe we will be in a scenario where that is not going to happen.

Senator HEFFERNAN (New South Wales) (18:11): I rise to speak on the ministerial statement on import conditions for apples. For 10 years I have been chairman of the committee that has kept the apples out and kept bananas out and looked at why we got citrus canker and kept BSE meat out and kept foot-and-mouth meat from Brazil out. This is an insult to the apple industry. What this is really all about is the government saying, 'Let's find a political way to get these apples in,' instead of, as we used to say, a scientific way to keep them out. This is a complete forfeiture of the rights of Australian apple growers. As everyone has pointed out, the import risk analysis, or IRA, on this said, 'We will bring in fire blight.' It is there in black and white. But, magically, it is not going to get out into the orchards.

The reason New Zealand enjoys our pears and we have not enjoyed their apples is because they have fire blight and so they have no pears. The whole thing is just a political exercise in determination to satisfy the people who sit around and drink wine in Geneva at the World Trade Organisation. It is a lowering-of-the-bar exercise which is going across all trade around the world to make it simpler to bring back to the pack people who, like us, have a trading advantage through being clean, green and free. It is exactly the same as the BSE argument and we had to do a lot of work to stop that. This is the same principle. With the BSE and the beef, the Canadian government eventually came back and we said, 'What about an IRA?' and they said, 'We do not have the resources to comply with that.' The US came back and said, 'Stick it—the American cattlemen's association does not want to have full traceability, they do not want to close the border with Mexico and they do not want to close the border with Canada and there is no such thing as a BSE-free herd.' This is the same thing.

Fire blight in New Zealand is not a reportable disease because it is endemic. What they do is go around saying, 'Oh, God, blimey, it is too high; I won't prune that one.' The evidence is that we are going to have apples coming into Australia from trees which have fire blight. They have accepted that because, they say, it is not going to get out into our orchards. The original IRA said
we would have to have buffer zones and so on. Under the science, there is an acceptance that we are going to bring fire blight in but that it is not going to do us any harm—it is going to be under a code of farm management practices. I note that there is no-one here from the Labor Party to respond, probably because they are all ashamed that a political imperative has taken over the right to keep our industry clean, green and free. They are saying, 'Oh, well, our farm management practices will sort this out.' They would not show us their farm management practices. They would not let us go to an apple orchard. I know as a farmer that every farmer has a different farm management practice, so that is just jiggery-pokery political garbage.

What are we doing? We are going to go along with it. For God's sake, New Zealand are in court now locked up with the pork growers because the WTO—you cannot have your bloody cake and eat it too—has said to New Zealand that they have to take pork from countries that have porcine reproductive and respiratory syndrome, and they have said, 'No, we don't want to take it because we haven't got it.' It is the AIDS equivalent in pigs. At the same time as they are at the WTO telling us that we have to take their apples, they are in court saying, 'We don't want to take the pigs.'

If they actually lose that case in their court, because it is a lowering-the-bar exercise, the people who want to take this pork into New Zealand will go to the WTO and say, 'New Zealand has taken it therefore Australia should take it,' which was what the BSE thing was all about. The Yanks and the Canadians did not want to bring beef into Australia particularly. They wanted us to lose the advantage that we have in Korea and Japan every time they get a BSE reactor. Bear in mind there is no live test for BSE and there is no sterilisation for the prion of the CJD human variant. Yet, under the trade arrangements with the trade minister in this government, he was suggesting, as were the dead-head cattlemen's council, that we should take this beef into Australia just to satisfy the people that drink wine at the WTO in Geneva.

How much of this crap have we got to put up with? What is wrong with this government? Who is going to get the sack or a smack in the ear if we do what the import risk analysis says and import fire blight? How can it be and what game is being played that an official can fly into Australia one night and fly out the next night after having had a walk through the Botanic Gardens in Melbourne—which I walked through the other day just to get the feel of the place—found an obscure plant in a whole heap of other plants and said that it had fire blight? What sort of game are we being played here? They are trying to play us on a break. It is a disgrace.

We have only another four minutes all up so I had better sit down and be quiet, but this is not the finish of it. The government must understand that the one trade advantage we have in Australia is our clean, green and free status. As for the free trade agreements, which we enacted with the United States when the dollar was 67c, we now have a 40 per cent tariff against us through the currency, having got rid of the tariffs. Thank you very much.

Senator XENOPHON (South Australia) (18:17): I endorse the remarks of Senators Colbeck, Milne and Heffernan. This is without doubt one of the worst decisions that this government has made, and that is a big call. I say it with despair because the implication of this decision is to put the entire apple and pear industry in this nation at risk. It is a case where the decision has been made on very poor premises, where the goalposts have been shifted, and where
Biosecurity Australia has failed Australian farmers and Australian consumers as a result.

I agree with Apple and Pear Australia and their statement today, which said:

... Biosecurity Australia (BA) has abandoned apple and pear growers across Australia and the whole industry is now fearful of fire blight, leaf curling midge or European canker entering this country.

Why on earth are we risking our clean, green, disease-free status? This is an extraordinary decision. Is this the thin end of the wedge? What next for our potato industry? What next for our horticulture industry? We know what happened with myrtle rust, which has devastated and damaged the nursery industry across the country. Once fire blight is in this country, that is it; you cannot eradicate it. We have a situation in the Goulburn Valley where they are 10 times more prone to fire blight than in New Zealand, and we can see how quickly fire blight has spread in New Zealand. This is free trade gone mad. This is about opening the door to the destruction of our horticulture industry in this country.

I recently obtained some information from my contacts within the apple and pear industry. My understanding is—and I call on the government to confirm or deny that this is the case—that several weeks ago at a meeting between industry representatives and the parliamentary secretary, Catherine King, the whole issue of how to contain fire blight was raised. It seems that the only way you can contain fire blight is to use streptomycin, an antibiotic, the use of which is banned in this country. It is an antibiotic that Professor Peter Collignon, Professor of Medicine at the Australian National University, has very serious concerns about because once it gets into our food chain it reduces the antibiotic resistance of the population. There are huge public health implications in relation to that. My understanding is that the government's response is that there will be, as a result of this decision, contingency plans to allow the use of streptomycin here in Australia. If that is the case, that is very disturbing.

Basically the government is saying that this will happen. It is conceding defeat. We will put up the white flag of surrender. We are abandoning our farmers. I would urge the government that it is not too late to reconsider this. The so-called safeguards in place will not provide the bulwark that we need to prevent the introduction of fire blight. It is not a case of if; it is a case of when we get fire blight in this country. When we do, the only way to contain it is through the use of streptomycin, an antibiotic, a chemical that is banned for use in this country today. But that will have to change as a result of this decision.

I would like confirmation from the government as to whether the use of streptomycin was considered and whether lifting the ban has been considered in this country. If it has done so it has huge public health implications. I would urge the government to reconsider its position. This is a disaster that is just waiting to happen.

Question agreed to.

DOCUMENTS

Petition Under Standing Order 207

The ACTING DEPUTY PRESIDENT (Senator Stephens): For the information of senators, I present a petition from Mr Mulholland under standing order 207 disputing the election of Senator Madigan, together with advice from the Clerk of the Senate.

Responses to Senate Resolutions

The ACTING DEPUTY PRESIDENT (Senator Stephens): I table responses to resolutions of the Senate and correspondence from the Chairman of the Productivity
Commission responding to the order for the production of document, listed at item 13(a) on today’s Order of Business.

The list read as follows—

**Responses to Senate resolutions:**

From the Minister for Families, Housing, Community Services and Indigenous Affairs (Ms Macklin) to a resolution of the Senate of 23 March 2011 concerning the problem of gambling.

From the acting Minister for Health and Ageing (Mr Butler) to a resolution of the Senate of 12 May 2011 concerning community hospitals in South Australia.

From the Chairman of the National Capital Authority (Mr Aitkin) to a resolution of the Senate of 16 June 2011 concerning the National Capital Authority.

From the Minister for Foreign Affairs (Mr Rudd) to a resolution of the Senate of 20 June 2011 concerning World Refugee Day.

From the Minister for Foreign Affairs (Mr Rudd) to a resolution of the Senate of 22 June 2011 concerning Egypt.

From the Minister for Foreign Affairs (Mr Rudd) to a resolution of the Senate of 5 July 2011 concerning boycotts of Israel.

From the Ambassador of Brazil (His Excellency Rubem Barbosa) to a resolution of the Senate of 7 July 2011 concerning the death of Dr Itamar Franco.

From the Minister for Foreign Affairs (Mr Rudd) to a resolution of the Senate of 7 July 2011 concerning South Sudan and Sudan.

From the President, UN Human Rights Council (Ms Lasserre) to a resolution of the Senate of 7 July 2011 concerning Sri Lanka.

Letter from the Chairman of the Productivity Commission (Mr Banks, AO) responding to the order for the production of document concerning superannuation funds (orders agreed to 16 November 2010 and 10 February 2011).

**Community Hospitals**

Senator BIRMINGHAM (South Australia) (18:22): I seek leave to move a motion in relation to the response by the acting Minister for Health and Ageing regarding community hospitals in South Australia that has just been tabled.

Leave granted.

Senator BIRMINGHAM: I move:

That the Senate take note of the document.

This is a shocking issue that I brought to the attention of the Senate. I was pleased at the time that it passed the Senate without dissent and that condemnation of the decisions of the South Australian Labor government was carried, obviously with the full support of our Labor colleagues here in the Senate as well as the crossbenchers and all of my then South Australian Senate colleagues who co-sponsored this motion on my behalf.

This resolution highlighted the more than $1 million being stripped out of country hospital services in South Australia, particularly the Keith, Moonta and Ardrossan country hospitals. The federal minister wants to highlight a few things in his response, which has just been tabled in the Senate. I find the things he has chosen to highlight remarkable. Firstly, he highlights the fact that the federal government provides support for these hospitals through a range of existing things, such as ‘through its funding contribution to private health insurance’. Guess what? Not only is the state Labor government stripping money out of these hospitals, but the federal Labor government and this minister want to strip funding through private health insurance out of these country hospitals. So we have strike one there.

Then the federal minister highlights the fact that the federal government has provided funding in the past to these hospitals through various infrastructure programs. Infrastructure is wonderful. It is lovely to build a new ward for a hospital or provide some new facilities for the hospital. It is just not of much use if there is not the recurrent funding
to keep operating the hospital—if they do not have the beds, the doctors and the nurses with which to actually service the patients. It is wonderful to have the bricks and mortar and the facilities, but the funding is being taken away.

The hospitals themselves have done their best to restructure, and the minister has highlighted that they have outlined financial plans to some degree. I hope they succeed in managing to keep their doors open but, if they do, it will not be through the help of this federal Labor government and certainly not through the help of the hapless South Australian Labor government, which is stripping $1 million plus out of these country hospitals. Indeed, it is a hapless South Australian state Labor government at present. It is a government embarking on the long, long goodbye—

Senator Cormann: It is in crisis.

Senator BIRMINGHAM: it is in crisis indeed, Senator Cormann—to the Premier, Mr Rann. You have to wonder whether the sword of Senator Farrell, the great factional leader of the Labor Party from South Australia, is still blunt from the execution of Prime Minister Rudd and he has been unable to get it sharpened again in time to have a swift, clean execution of Mike Rann. It has been anything but swift or clean. Perhaps it is just that he has left it to the juniors, his deputy executioners, and his deputy executioners, not being so apt at how to—

Senator McEwen interjecting—

Senator BIRMINGHAM: Oh, Anne, you want to stand up for the mess that you have got the state in at present? What do we have: one premier, two premiers, three premiers, no premiers? It is so hard to tell. Senator Farrell sent his deputy executioners there, and the deputy executioners pulled the lever and the trapdoors opened but the rope was not long enough. They pulled the levers and the trapdoor opened but Mike Rann is still dangling there. It did not snap the neck. He is still alive, he is still kicking, he is still screaming. He is determined to go out causing as much pain as is feelingly possible.

So we have this awful botched leadership transition. I do not care if the Labor Party botches their leadership transitions. Political parties do get themselves in a tangle from time to time over leadership transitions and it is not pretty. However, when you are the government of the day and you leave your party leadership hanging in the balance, not just for days or weeks but for months, it has an impact on the state as well. I care about this because the people of the state of South Australia are the ones who will suffer because we have a government in crisis and a government in limbo.

I congratulate Senator Gallacher in absentia on his maiden speech. Senator Gallacher praised one of those deputy executioners, Peter Malinauskas, Senator Farrell's replacement as head of the great and powerful shop assistants union. Senator Gallacher described Mr Malinauskas as a wise head on young shoulders. You have to wonder why this wise head on young shoulders thought it was a good idea for a 30-year-old union official, head of the shop assistants union, to boldly walk into the Premier's office and say, 'Your time is up.' Do not have the parliamentary colleagues do it but leave it to the trade union leader to be the one to hand out the execution warrant—and of course mess up the execution as they have.

As I said, my concern here is foremost for South Australia, because it is decisions like this hospital funding one that we are going to suffer as a result of this bad Labor government in South Australia. We have Mike Rann claiming he is going to stay on a little longer to see some key projects through. At the top of that list he highlights the contract-
ual negotiations with BHP Billiton over the Olympic Dam uranium mine, the biggest single private investment project in South Australia's history. So who is going to negotiate it with BHP Billiton? Who is going to try to finish the deal? A lame duck leader. We are sending in a lame duck leader who knows he is on the way out and who everybody else knows is on the way out. Senator Feeney is smirking. You are a student of American politics. You know full well, Senator Feeney, that the period between the presidential election and a president leaving office is described as the lame duck period for good reason. Nobody wants to deal with them. Everybody knows they can manage to screw them over if they want to and, in the end, that is what is going to happen. That is the risk to South Australia with Mike Rann charging on on these negotiations. Mike Rann has said he wants to 'mentor' Jay Weatherill, his replacement. He put out a nice condescending statement that he wants to mentor Jay Weatherill. Of course, he put this statement out from India, and Jay Weatherill kept ringing Mike Rann when he was in India to talk about it. And guess what? The phone was never answered. You can picture it now. Mike Rann picks his phone up to get his voicemail messages, and when he gets message one—'Mike, it's Jay; we need to talk about these issues; could you give me a buzz back'—there is a beep and the message is deleted. Next message: 'Mike, it's Jay. It's really, really important. Please give me a call back.' Beep. Delete that message. Next message: 'Mike, it's Jay. I'm really sorry about the way things are between us, but if you could give me a call I'm sure we can work them out.'

It is quite pathetic. Mike Rann says he wants to mentor the man but then will not even return his phone calls. Then, when he does come back and attends the briefings with BHP Billiton, guess what? He forgets to invite Jay Weatherill. So much for the mentoring. The mentoring is all about being left in the dark. The mentoring is all about being left behind. Mike Rann forgot to invite him to the briefings on BHP Billiton. Even today, we have the right-wing factions—one of their two alternative leaders—out there announcing new policy. Jay Weatherill has not come up with a new policy since he was anointed as Premier, but one of the right's two alternative leaders comes out and starts to announce new policy on urban development—getting ahead, of course. Why? Because he is not happy with the deal that is done.

John Rau, the Deputy Premier, is still in the mix there as well. It is not that we are a state with one premier or two premiers; we have three people who want to be premier at present in the Labor Party—all of them fighting over it, all of them squabbling over it and all of them putting South Australia last as they do this. We will not see this country health situation fixed. We will not see a good deal for SA on BHP Billiton. We will see South Australia suffer as a result of a government that is so focused on its own internal dynamics and so focused on individuals simply wanting the spoils of office, with absolutely no new focus or the vision that our home state needs.

Question agreed to.

MINISTERIAL STATEMENTS

New Zealand Imports

Senator XENOPHON (South Australia) (18:33): by leave—I wish to speak briefly to correct a statement I made in relation to my contribution on the decision of the Minister for Agriculture, Fisheries and Forestry in relation to the apple and pear industry. In my contribution in relation to the decision made by the minister with respect to the importation of New Zealand apples, I asserted that streptomycin is banned for use in Australia. I
have been advised by the minister—and I accept his advice—that that is not the case. I understand that in relation to the use of streptomycin on crops in Australia, approval can be sought from the Australian Pesticides and Veterinary Medicines Authority. However, it is currently not being used on apples in Australia, because there is no need to use it on apples in Australia. So I wish to correct that, but I maintain my comments about the use of streptomycin in our food chain and the comments and concerns of Professor Peter Collignon in relation to the use of streptomycin.

**DOCUMENTS**

**Israel**

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:34): I seek leave to move a motion in relation to the response by the Minister for Foreign Affairs that has just been tabled.

Leave granted.

**Senator ABETZ:** I move:

That the Senate take note of the document.

I wish to briefly note the Minister for Foreign Affairs' response to the motion passed by the Senate on 5 July relating to the ugly boycott, divestment and sanctions, or BDS, campaign against Israel. Mr Rudd needs to be unequivocal in his condemnation of this campaign, as does the government. Unfortunately, Mr Rudd wilted when it came to opposing those in his own party and the unions who are also supporting this vile campaign. The Senate motion which was carried noted with concern the resolution carried at the 2010 regional conference of the Queensland branch of the ALP to support the BDS campaign; initial support for the BDS campaign against Israel by four Labor councillors on Marrickville Council; the decision by the New South Wales ALP to preference Greens candidate and Marrickville mayor Fiona Byrne in the seat of Marrickville at the New South Wales state election; and reports that David Forde, convenor of Labor 4A Just Palestine, who supports the BDS campaign, is a frontrunner for ALP preselection for the Queensland state seat of Stretton.

The motion also denounced support linked to the BDS campaign against Israel by numerous unions and called upon the ACTU to oppose the BDS campaign. In an unpublished comment given to the *Age*, a spokesperson for Mr Rudd explained the government's position thus:

The government has a longstanding practice of not dealing with complex foreign policy matters through Senate resolutions and therefore did not support the motion as it was moved by Senator Abetz. The government proposed simpler language and was disappointed that Senator Abetz chose political point scoring rather than making a strong bipartisan statement in support of Israel.

For the record, Mr Rudd's office never proposed simpler language. The evening before, Mr Rudd's office implored the coalition to take the references to Labor's support for BDS out of the motion. The next morning, Mr Rudd's office said Labor would support the full motion. However, just prior to the debate, Mr Rudd's office said they would not support it and would say that it was a complex foreign policy matter. In the House of Representatives Labor also voted to move sections of a similar motion condemning Greens and Labor Marrickville councillors who supported the BDS campaign. The truth is that Mr Rudd wilts when it comes to opposing those in his own party and in the union movement who support this vile BDS campaign. We see a similar double standard from the Foreign Minister in his reply to the resolution to support the BDS campaign that was carried at the 2010 regional conference of the
Queensland branch of the Australian Labor Party, his own home division. In his reply he played up the government's support for the Palestinian Authority and failed—and I stress this: failed—to dissociate himself from this motion's support for the BDS campaign.

We now see Mr Rudd recommending to the Prime Minister that Australia abstain from the UN vote to recognise a Palestinian state. It is time Mr Rudd put principle ahead of politics. In his, if I might say, quite disrespectful letter to the Senate in response to the motion, he fails to refer to the detail of the Senate's resolution and to the fact that all Labor senators shamefully voted against the motion. Labor and the minister stand condemned for their vote in this place and for the minister's response, which does not take the strong principled stance that I think the Australian people would want—that is, a strong stance against the boycott, divestment and sanctions campaign against Israel, which has now shown itself with a demonstration outside a coffee shop because it is owned by Jewish interests. That this has come to pass in this country is unfortunately a result of the failure to strongly oppose the BDS campaign. People now think that they can demonstrate outside Jewish businesses in Australia to try to stop customers from going into the shop and doing business. I must say that it has hallmarks of events in the last century that I thought had been well and truly left behind.

The Labor Party does have to come to grips with this. There are many within the Labor Party who take very principled stands in this area. I simply refer to Mr Paul Howes of the Australian Workers Union—and I do not often quote him as an appropriate person. He has taken a strong stance on this and if he can one wonders why Mr Rudd and the rest of the Labor Party cannot.

Question agreed to.

Productivity Commission
Order for the Production of Documents

Senator CORMANN (Western Australia) (18:40): I seek leave to move a motion for the Senate to take note of the letter from the Chairman of the Productivity Commission, relating to an order for the production of documents concerning superannuation funds, that has just been tabled.

Leave granted.

Senator CORMANN: I move:

That the Senate take note of the document.

This letter, which was tabled in the Senate today, is just another example of a government that steadfastly refuses to be accountable to the parliament and to the Senate in particular. It is a further demonstration of a government that is going to new lows when it comes to being accountable to the Senate, even though Prime Minister Julia Gillard promised after the last election that this would be a new era of openness and transparency in government.

Under government's of both persuasions, whether it was the Hawke government, the Keating government or the Howard government, statutory agencies like the ACCC, the Australian National Audit Office or a range of others, would regularly comply with orders for the production of documents, including orders for the production of documents that were not yet in existence but had to be created. These documents covered a whole range of issues, whether it was in relation to tobacco policy matters or to any other of a whole range of diverse issues. Incidentally, many of those motions for production of documents were initiated by crossbench senators, whether it was the Democrats, or Senator Fielding, or Senator Xenophon and, indeed, some of them were even initiated by people in the then opposition, such as Senator Conroy. In those
days government's of both persuasions would ensure that statutory agencies were in a position to comply with the orders of the Senate.

In November 2010 the Senate agreed to an order that there be laid on the table no later than 31 May 2011 a report by the Productivity Commission on the design of a process for the selection and ongoing review of the superannuation funds that were to be included in modern awards or enterprise agreements as default funds, with the requirement that—and I am just summarising here—the process be based on objective criteria and evidence, subject to systematic review and, essentially, that the process be transparent and competitive. And of course the current process is not objective, it is not transparent and it is not competitive. Don't take my word for it. That was the conclusion of the Labor government just over a year ago.

Just over a year ago the Labor government released a policy on superannuation in which they promised to refer to the Productivity Commission the task of designing a process that is open, transparent and competitive when it comes to the selection of default superannuation funds. However, after the election Prime Minister Julia Gillard appointed Bill Shorten as the Minister for Financial Services and Superannuation and he is very unenthusiastic about doing anything that would remove the current closed shop, anti-competitive arrangements that are in place when it comes to the selection of default superannuation funds under modern awards. This process is quite disgraceful both in substance and process. We passed an order here in November asking for this report to be provided by the end of May 2011. Initially we got some sort of informal advice that 'we don't really think that we can do this; we don't really think that we can comply with this order unless we have got a direction from the minister to do so.' Of course, the minister wants to be able to hold on to this anticompetitive advantage for union dominated industry super funds for as long as possible, and so the minister was not going to say to the Productivity Commission, 'We want you to do this.' But the Senate said to the Productivity Commission, 'We want you to do this,' and there is a long history of orders of this nature being complied with in the past by agencies like the Productivity Commission.

So the Senate passed earlier this year, in February, another order and we asserted that the Senate has the authority, consistent with past practice and under the Constitution, to require that this information be provided and we confirmed the requirement for this information to be provided by 31 May. What did we hear after that? Nothing. This letter is the first formal advice that we are getting from the government about their response to this order of the Senate, and it is a response saying, 'We're not going to do it and we don't care about what you, the Senate, have ordered us to do. We don't care about the motion that was passed by the Senate ordering us to provide this information. Don't worry about a deadline of 31 May as 10 August is early enough to get back and say that, by the way, we're not going to do this sort of thing.' This is a constant pattern. We had a conversation earlier today and yesterday and Senator Ludlam raised the fact that questions on notice had not been answered for 250 days. I had some questions that had not been answered for more than 150 days. And here we have this refusal to comply with the deadline that is set by the Senate. It was a deadline set in November for the end of May. You would think that was a pretty reasonable deadline, yet this government cannot comply with a deadline set in November for the end of May. This is the pattern of a government that refuses to be
accountable to the Senate. They completely do not take us seriously.

This is a pretty serious issue and related to this is this impasse now in relation to a whole series of orders. There is a whole series of orders, for example, whereby we sought information about the commodity price and production volume assumptions that were at the basis of the mining tax revenue estimates and the government refused outright to provide that information. Supposedly, as part of the agreement between the government and the Greens and as part of the agreement between the government and some of the key Independents in the other place, there was going to be this process where, whenever there was a dispute between the Senate and the government about matters of public interest disclosure and a Senate order had votes on the floor against the decision of a minister, the Information Commissioner would arbitrate on the release of relevant documents and report to both houses. That was a year ago. The government entered into this agreement and we have now got a whole plethora of orders on the books whereby the Senate has sought to refer matters to the Information Commissioner for him to arbitrate as to whether it is going to be in the public interest or not for certain information to be released. 'No,' the Information Commissioner says, 'I can't do it. I can't do the job'—refuses to do the job. Clearly, this agreement between the government and the Greens is not worth the paper it is written on.

In the meantime working people across Australia continue to be channelled into default superannuation funds that are identified through a process that is not competitive, that is not objective, that is not transparent and that has the risk of people being channelled into underperforming funds. The best way to maximise value for consumers across Australia is by having a proper competitive framework in place. Look at the recent example of the MTAA arrangements where the MTAA was identified as a default fund on a particular award and where some union trustees on the MTAA fund went to Fair Work Australia and asked for the MTAA to be selected as a default fund without declaring the fact that they were actually trustees on that fund. They were going to Fair Work Australia in their capacity as union delegates to ask for a particular fund to be included as a default fund without declaring the fact that they were also trustees of the fund. This is completely inappropriate. The thing is that I have spoken to some very good people, senior leading people across industry super funds, in relation to these issues and some of them have said 'the reason we are selected as default funds is because we perform better'. That is great. And do you know what: if they were to perform better no doubt they would be selected as default superannuation funds in an open, competitive and transparent arrangement. I think that the minister's refusal to act on this clear pre-election commitment by the Labor Party before the last election is actually not doing industry super funds any favours because those that are good are being seen to be favoured and advantaged by a closed shop anticompetitive arrangement when, quite frankly, they would probably thrive in a proper open, competitive and transparent arrangement. If the government still agrees that the current arrangement is anticompetitive and a closed shop arrangement, why would you wait any longer now before you took any action? The reason the minister is not taking any action is that, quite frankly, he is conflicted when it comes to this. He supposedly wants to remove conflicts from financial service advice provision more generally but he does not seem to realise that he himself is
conflicted when it comes to policy matters in this area.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Moore): Order! It being 6.50 pm, I propose the question:

That the Senate do now adjourn.

United Nations Convention Relating to the Status of Refugees

Senator FAULKNER (New South Wales) (18:50): This year, 2011, marks the 60th anniversary of the adoption of the United Nations Convention Relating to the Status of Refugees. The convention we know today was initially developed to deal with the massive number of people displaced by the Second World War in Europe. We should be proud of Australia's connection with the convention, and we should also be proud of our connection to the negotiation of the United Nations Charter and the United Nations Declaration of Human Rights.

We should not forget the roles of Doc Evatt and Jessie Street and their groundbreaking work at the United Nations Conference on International Organisation—better known as the San Francisco Conference—in 1945. The Australian delegation, led by Doc Evatt with his unique intellect, drive and organisational ability, endeavoured to ensure that social justice and Labor values were injected into the constitutional architecture of the United Nations. While Evatt's contribution is well known, I think it is important that we also recognise that of Jessie Street, an internationalist who campaigned tirelessly for the rights of women. She was the only woman on the Australian delegation to the San Francisco Conference. She was a strong advocate for the removal of restrictions on Jewish migration and for an increased intake of Jewish refugees to Australia. She was an inspiring figure.

As I noted at the launch of Ashley Hogan's book, *Moving in the open daylight: an Australian at the United Nations*, while Evatt's ubiquity and energy at the San Francisco Conference led to the joke that there were 'ten Evatts', a casual survey of what has been written about him would certainly lead to the impression that there were 'two Evatts'. Of course, there was only one Evatt. He was certainly not as skilled in the art of caucus or party management as Curtin or Chifley, but few leaders, before or since, have been. And it was Evatt's misfortune to be leader at a time when the internal pressures and conflicts of the party would have tested the diplomatic skills of the most conciliatory negotiator. However, Doc Evatt has been acknowledged around the world as a most significant international figure.

The United Nations Convention Relating to the Status of Refugees originated in the League of Nations before Evatt was a figure on the international stage. The first steps—the 1933 League of Nations Convention Relating to the International Status of Refugees and the 1938 Convention Concerning the Status of Refugees—were significant milestones, but they provided only limited protections for displaced persons. The 1933 convention, for example, had just eight member state signatories, as well as substantial self-imposed limitations on the obligations of those signatories.

At its first meeting in 1946, the newly formed United Nations General Assembly recognised the urgency of the humanitarian crisis in Europe and resolved to find new homes for the millions of displaced people roaming aimlessly across the European continent or languishing in makeshift camps. In 1950 the United Nations High Commissioner for Refugees was formed. The following year, on 28 July 1951, after tough negotiations and legal wrangling by signatories over the sovereignty of states and
their responsibilities and obligations in the international system, the convention that underpins the work of the UNHCR was adopted. Australia acceded to the convention on 22 January 1954. That was during the life of the Menzies government.

As an international treaty instrument, it was borne out of the bloodshed and tragedy of the Second World War, but it remains a crucial international treaty in the modern world. While Europe is no longer devastated by a horrendous world war, the convention and its relevance as a refugee classification tool lives on. Throughout the debilitating civil wars in the Balkans, the tumult caused by the break-up of the Soviet Union and ongoing conflicts in Africa and the Middle East, we have been reliant on the terms of the convention to provide vulnerable and displaced people with necessary protections enshrined in law.

In Africa, recent hope provided by the newly independent nation of South Sudan is tempered by events in other parts of the continent—the civil strife in Ivory Coast earlier this year, the recruitment of child soldiers en masse in the Central African Republic and the use of rape as a weapon in the Democratic Republic of Congo.

Mr President, 144,000 people registered as refugees in South Africa last year. They are the victims of war and sexual violence who have traversed an entire continent to seek refuge. In 2008, scores of people were killed after a botched armed robbery started fighting that quickly spread through all of Port Elizabeth. This was a massive and violent demonstration against the presence of Somalis in South Africa. And the reason they left Somalia? Ethnic and religious violence.

Closer to home, the human rights needs of the Burmese people, so often highlighted over the last decade, is widely and rightly reported as Asia's refugee focal point. But so much concern still exists over the plight of human rights in Tibet and for Tamil Sri Lankans in their desire for equal rights in their own country. According to the most recent Global Trends figures published by the United Nations High Commissioner for Refugees, as at January 2010, there were 2,121,630 refugees in Africa, and 4,524,200 refugees in Asia and the Middle East. That is 6,645,830 men, women and children in only two of the six UNHCR designated world regions. We must remember that no-one becomes a refugee by choice. It is a step demanded by circumstances, so often life threatening for individuals and families. It is a step borne out of the sheer determination of the human spirit to survive and protect those close to them.

Member for Corangamite

Senator RONALDSON (Victoria) (19:00): We have gone from a doc to a dope because I would like to talk about the member for Corangamite. My colleague has just spoken about Doc Evatt. There is a false prophet in my patron seat of Corangamite and I am referring to Labor's Darren Cheeseman who, in a desperate effort to sell the Gillard—

Senator McLucas: Mr President, on a point of order: I understand that the senator is trying to be funny but I do not know that the word he used to describe the member for Corangamite is parliamentary. I request him to withdraw it.

Senator RONALDSON: If the member took offence I will withdraw the comment. Mr Cheeseman, in a desperate attempt to sell a price on carbon, turned to a religious metaphor and has warned of the great flood to come. In Noah's time, humanity's sin was that it had become corrupted, but in Mr Cheeseman's mind the Geelong region's sin is that it has become industrious. Cars have been manufactured, cement has been made,
meat has been processed, milk has been produced and the manufacturing industry is creating jobs—all sinful activity in the eyes of the member for Corangamite that needs to be stopped by a new tax.

Knowing how badly news of a price on carbon would be taken in Corangamite, Mr Cheeseman needed to create a climate of fear. He drafted a speech that he had planned to give in parliament about the subject which warned of the disaster to come. This speech, however, was never delivered. I assume that someone in the Labor Party—someone in the Rudd government spin machine—knew that the words I am about to quote to the chamber are too crazy to be said in public. That is why if you search Hansard for what Mr Cheeseman said on the Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Bill on 9 September 2009 you will not find these words. He must have run them by someone in the Labor Party who told him, 'You can't say that, people will think you're a fool, or the words will simply confirm it.'

But in March 2010, when it came to posting his speech on the website, Mr Cheeseman, through sheer incompetence posted the speech he was going to give, not the speech that he gave. Here is what the false prophet, Mr Cheeseman, the Noah of Geelong, had to say on his website—the speech he wanted to give but even his party would not let him give. I read the speech that was posted on the website, not the one that he actually gave in the other place:

The Great Ocean Road Mr Speaker, an icon of Australia and the engine room of our local tourism economy, will be largely destroyed. It will be breached in place after place, if sea level rise is as expected. Huge swathes of the Bellarine Peninsula will be inundated. Current areas of the mainland will be cut off and become islands.

Queenscliffe will become an island. The area from Barwon Heads to Breamlea will become an island.

This man is an elected representative of parliament. The member for Corangamite, like Noah who came before him, warns of the Great Flood to come. But is it his global warming religion or science which drives Mr Cheeseman's claims? It is definitely not the science. As was reported exclusively in the Australian on 22 July 2011, the New South Wales government adviser Phil Watson has written a peer reviewed paper which concludes that rises in sea levels are decelerating. Phil Watson's paper questions the connection between climate change and rising sea levels.

Mr Cheeseman's claims that Queenscliffe and Barwon Heads will both become islands is just plain wrong and utterly stupid. Mr Cheeseman's great flood will never happen. But Mr Cheeseman and Labor persist with this carbon tax. Noah's solution was to build an ark and put each of the two animals on it. As Mr Cheeseman has been one of the government's harshest critics of the live animal export trade, this option of course is not available to him.

Mr Cheeseman's 'ark' is a great big tax on industry. It will punish those sinners who will be responsible for the upcoming great flood—the car manufacturers, the meat producers, the dairy farmers, the coalminers and the cement makers. A bit of common sense in this debate would not go astray. Queenscliffe will not be an island, nor will Barwon Heads or Breamlea; the Great Ocean Road will not be destroyed. The people of Corangamite deserve serious representation. They can do a lot better than this doomsday prophet who does not understand the science and never will. They deserve someone who will not make idiotic statements and they deserve someone who actually understands
the needs and wants of their local community.

Ceduna: Bureau of Meteorology

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (19:06): One of my most pleasurable duties as Parliamentary Secretary for Sustainability and Urban Water is announcing 'firsts', particularly when that first happens to occur in my home state of South Australia. Therefore, it was with a great deal of delight that I recently visited the town of Ceduna on the west coast of South Australia to officially commission the town's new Bureau of Meteorology office and to announce the installation of Australia's first regional vertical wind profiler. The profiler replaces upper air wind observations that would otherwise use weather balloons.

Ceduna has had an operating bureau station since 1939. Interestingly enough, not long after that, my uncle was just off the coast of Ceduna in a ship as he was preparing to enter the Navy. Today it is one of about 50 locations in Australia that are part of a massive global network of surface and upper air monitoring stations. These stations feed data into sophisticated computer models. They are critical to forecasting weather in advance and act as early warning stations, alerting us to severe or hazardous weather conditions.

Of course, Ceduna, with a population of 4,000, is more than just a weather station. It is located on beautiful Murat Bay, about 800 kilometres west of Adelaide and 1,900 kilometres east of Senator Back's home town of Perth. As you would know, Mr President, Ceduna is regarded as the oyster capital of Australia. Murat Bay was declared a town and called Ceduna 110 years ago this year, although locals never called it by its proper name until the railway reached the town in 1915.

The unofficial capital of South Australia's far west coast and the Nullarbor Plain, Ceduna has many tourist attractions, including whale-watching during the winter months; surfing at Cactus Beach, arguably the best in Australia; and the beautiful and wild Gawler Rangers, which are a comfortable drive inland. Ceduna is also the location of wheat, barley and oat farming. I was particularly impressed to see just how lush the crops were compared with three years ago when I was there. Ceduna also has wool and sheep enterprises, and the mining of salt, gypsum and mineral sands. Of course, the fishing is great all year round. Smoky Bay and Denial Bay oysters, grown and harvested in the region's pristine ocean waters are amongst the world's finest. The best time to visit Ceduna is on the South Australian October long weekend, when it hosts Australia's largest oyster festival. The Oysterfest features delicious local oysters, both cooked and natural.

But I have got off the topic of weather and I would like get back onto it. Ceduna is actually the first of nine offices nationally to receive one of the new wind profilers I referred to earlier. The model used at Ceduna is a boundary layer profiler, designed to monitor wind speeds in the atmospheric boundary layer near the earth's surface, enabling continuous reporting of winds from about 300 metres to at least five kilometres above the station.

Traditionally, upper atmospheric wind data are collected using weather balloons, released up to four times per day—and quite an expensive operation. This new wind profiler can produce vertical wind profiles every 30 minutes, greatly improving the ability to monitor storms and weather systems, and support accurate and timely forecasts and warnings. It allows the weather radar to provide a 24-hour continuous weather watch for the region, without having
to switch to weather balloon tracking mode for several hours each day. The wind profiler is essentially a vertical-pointing radar and works by transmitting and receiving radio frequency energy. It sends up a pulse of energy, which is then scattered back to the profiler.

Turbulent air motion in the atmosphere creates variations in temperature, pressure and humidity relative to the surrounding atmosphere. These variations affect the refractive index of the atmosphere and the scattering of the radio frequency energy. These scatters move with the background wind and as a result the profiler is able to infer the wind speed and direction. Mr President, I see you are nodding and understanding all of this very comprehensively, as is Senator Colbeck, whom I know has an interest in these sorts of things.

Interestingly enough—and this will particularly impress you, Mr President—a South Australian company ATRAD was the successful tenderer for the supply of the nine vertical wind profilers to the bureau. ATRAD produces state-of-the-art, cost-effective radar systems for measuring and interpreting the state of the atmosphere, and provides excellent scientific and technical advice about remote sensing of atmospheric phenomena. ATRAD is an excellent South Australian success story and produces a range of weather radars, antennas and analysers for China and India as well as for the Australian market.

The Ceduna weather station has also received an upgraded weather radar on a taller tower, at a height of 16 metres—so it is very prominent near the airport—which enables continuous weather surveillance over a greater range, out to approximately 150 kilometres. The new wind profiler and radar provide enhanced weather information, which is of vital importance for South Australia, and also enhance the bureau’s national network of observations across land, sea and air. The new facilities help forecasters understand the weather in an area of Australia where data has been relatively sparse in the past. The facilities will provide valuable information through the bureau’s website for the benefit of industry, the aviation and rural sectors, local emergency services and the general public.

Observations started at Ceduna Meteorological Office in 1939 when the RAAF, in conjunction with the then Department of Civil Aviation, opened the airport. At that time, the meteorological office was in the terminal building on the north side of the airport. It operated from there until 1969, when it moved to a new building on the south side of the airport. The new meteorological office reached practical completion on the same sight in June 2010 and has since been staffed by two bureau technical officers.

The office is state of the art and is constructed to be environmentally friendly while withstanding extreme weather conditions. The Ceduna office is part of a worldwide network of surface and upper air observing stations, of which there are, as I mentioned earlier, more than 50 in Australia. The data from the station are vital in determining the present state of the weather, as the starting point for providing weather forecasts and are also critical for climate, providing valuable information on long-term trends and variations in local weather. A remote balloon launching facility has been installed, providing staff with a safer way to release hydrogen-filled weather balloons, which will continue to be used now and then to supplement the wind profiler as necessary.

Finally, I look forward to being able to continue talking about Australian firsts, particularly South Australian firsts like these
great new Bureau of Meteorology facilities at Ceduna.

**Senate adjourned at 19:15**

**DOCUMENTS**

**Order for the Production of Documents**

A document was tabled pursuant to orders of the Senate of 16 November 2010 and 10 February 2011 for the production of a document relating to superannuation funds.
QUESTIONS ON NOTICE

Operation Talisman Sabre 2011

(Question No. 449)

Senator Ludlam asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 16 March 2011:

With reference to Operation Talisman Sabre 2011:

(1) In regard to the Talisman Sabre exercises, what will be the actual cost to the department of the exercises, for example, clean-up operations, monitoring, herding dugongs out of the live fire area etc.

(2) In regard to the AECOM public environment report (PER) concerning the exercises, for which the public comment period closed on 10 December 2010:

(a) how are the unlikely scenarios for which the exercises are intended to prepare the Australian Defence Force (ADF), such as nuclear warfare, weighed up with the actual damage done to the marine and terrestrial environment;

(b) to what extent has the projected or potential impact on the area in which the exercises are to be conducted and, in particular, Queensland's Shoalwater Bay region, the Great Barrier Reef Marine Park and the Coral Sea, been assessed;

(c) who conducted the assessment in paragraph (b);

(d) what were the outcomes of the assessment in paragraph (b);

(e) what assessment has been carried out of the impact of the floods in Rockhampton and the cyclone around Cowley Beach;

(f) if no assessment has been carried out in relation to paragraph (e), why not;

(g) to what extent have the impacts of the floods and cyclone in Queensland altered the planning for the exercises; and

(h) based on the understanding that the Great Barrier Reef and other marine environments have been damaged by the recent extreme weather conditions and given the intense naval activity associated with the exercises, will the department consider postponing the exercises in order to give the region an opportunity to recover; if not, why not.

(3) In regard to the rights of traditional owners:

(a) to what extent has the department, representatives of any other government agency, or the ADF consulted with the Darumbal people, the traditional owners of the Shoalwater Bay area, on the use of Shoalwater Bay for these exercises or any other training exercises;

(b) if there has been consultation, what was the outcome of that consultation; and

(c) if there has not been consultation, why not and will the department consult with the Darumbal people prior to the commencement of the exercises.

(4) In regard to nuclear and chemical risks, the PER acknowledged that live firing can cause environmental contamination:

(a) are military activities exempt from the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999?

(b) what guarantee can be given that contamination of the natural environment will not occur as a result of the exercises;

(c) will toxic materials such as red phosphorus marine markers, seawater ballast containing introduced species and ship-board waste be introduced into the environment in connection with the exercises; and
(d) will depleted uranium armaments be used during the exercises.

(5) In regard to the use of white phosphorous and explosives that contaminate groundwater, and given that perchlorate, the primary ingredient in rocket fuel, has been found to have contaminated groundwater in 20 United States of America (US) states as a result of its use at rocket test site, military bases and production plants, that it has been linked to thyroid conditions, birth defects and problems with newborn development and that reports indicate it has contaminated food supplies in some parts of the US:

(a) will perchlorate be used during the exercises;
(b) what measures will be taken to ensure perchlorate does not contaminate the marine environment or groundwater in the surrounding area;
(c) what testing has been done to monitor whether the groundwater at Waterpark Creek, Queensland, has been contaminated by perchlorate;
(d) will white phosphorus, TNT or RDX be used in the exercises; and
(e) to what extent will heavy metals, including mercury and lead, be dispersed into the environment during the exercises.

(6) In regard to sonar risks, the PER notes that active and passive sonar will be used:

(a) can it be confirmed that mid to low frequency sonar is associated with whale beaching, brain haemorrhaging, and disruption to breeding cycles;
(b) given that the PER states that 'Australia and the United States are committed to environmental stewardship and take the need to protect marine mammals from the effects of underwater sound sources very seriously' – can the Minister confirm that the US Navy has exemptions from US legislation designed to protect endangered species and to allow their use of sonar virtually anywhere;
(c) is the Minister aware that in 2008 environmentalists in the US took the US Navy to the US Supreme Court to try to stop them using sonar during the Talisman Sabre 2007 exercises in Hawaii because intense sound waves can harm or even kill 37 marine mammals, including sea lions and endangered whales;
(d) what guarantee can the department provide that sonar use during the exercises will not have adverse affects on marine life, including the beaching of whales, brain haemorrhaging in cetaceans and disruption to breeding cycles;
(e) how will the impacts of sonar on whales and mammals be measured during the exercises;
(f) how can the Minister guarantee the war games have not killed or injured cetaceans unless affected animals wash up on shore;
(g) what measures will be taken to mitigate any detrimental impacts of sonar on marine life during the exercises; and
(h) measured from the vessels in yards, how far can the sonar currently being used in the exercises travel, given that the PER proposes that sonar will be suspended if a whale is sighted within 1000 to 4000 yards from a ship.

(7) In regard to the PER, which states that the exercises will destroy 2 hectares undersea in Shoalwater Bay and create significant noise and residue, and that 'the risk of psychological harm to marine fauna' is of concern:

(a) what is the anticipated psychological impact on marine fauna; and
(b) what resources and services will be provided to address the concerns for psychological harm to marine fauna.

(8) Given that Shoalwater Bay is home to the east coast of Australia's biggest endangered dugong population, the PER states the animals will have to be moved away and that during the 2010-11
Supplementary Budget Estimates hearings of the Environment and Communications Legislation Committee it was described that large marine animals would be ushered out of the area:
(a) how many dugongs live in the affected area;
(b) what percentage could reasonably be expected to be ushered out of the area; and
(c) what other measures are being undertaken to protect marine life from the effects of excessive sound caused by the exercises.

(9) In regard to noise and impacts on the local community:
(a) what has been done to protect the community of Byfield, Queensland, near the designated live firing range, or any other community in the area, from the risk of fire being caused in nearby forest;
(b) what measures will be taken to avoid excessive noise in habituated areas;
(c) will the US and Australian military honour edicts regarding flight paths to avoid excessive noise in habituated areas; and
(d) can a guarantee be provided that 2 hectares is the maximum area that will be directly affected.

(10) In regard to waste and water dumping, what measures will be in place to ensure that:
(a) ballast water carrying introduced species will not be dumped in the marine environment; and
(b) shipboard waste, which can starve, amputate, maim and infect marine life, will not be dumped in the marine environment but be disposed of properly.

(11) In regard to social or political impacts that question the rationale behind the exercises:
(a) do the exercises require state or federal environmental impact statements or assessments to be formally assessed by the Commonwealth or state governments;
(b) what independent mechanisms of assessment on the conduct of the exercises are in place;
(c) will the department conduct an analysis of the social impacts of the exercises; if not, why not; and
(d) will the department conduct an analysis of the potential political impact of the exercises in the region in the current geo-strategic environment; if not, why not.

Senator Conroy: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) Talisman Sabre 2011 is a joint and combined exercise and the funding is broken down across the Services and Headquarters Joint Operations Command (HQJOC). The total cost to Defence to conduct the exercise incorporates the participation of other areas in Defence, and will not be known until after the exercise is complete, including any clean-up operations. For Talisman Sabre 2009 the cost of the exercise to Defence was estimated at approximately $48 million, excluding the cost of ownership of Australian Defence Force (ADF) assets.

It is not possible to separately cost Defence's environmental management of Exercise Talisman Sabre 2011. Environmental management responsibilities for the exercise are incorporated into participating staff's duties as part of Defence's ongoing Environmental Management System. No financial resources will be dedicated to herding dugongs out of live fire areas as this is not the approach that Defence takes to mitigating risks to dugongs. Defence vessels avoid dugongs by altering course, slowing or stopping altogether when encountering these or other marine mammals, and activities such as live fire exercises are suspended if dugongs are at risk of harm.

(2) (a) Talisman Sabre 2011 is a United States (US) led, Australian supported combined exercise focused on the planning and conduct of warfighting. The exercise does not include any scenarios involving training for nuclear warfare.

The environmental impact assessment process is designed to identify the potential risks of exercise activities and mitigate any effects to the extent practical. Talisman Sabre exercises do not cause any
significant damage to the environment. It should be noted that Defence training areas like Shoalwater Bay Training Area (SWBTA) have been specifically set aside by the Government for the military to undertake training activities that have some risk of impacts.

Defence has been conducting major combined joint exercises at SWBTA for many years. Capricornia Conservation Council (CCC) observed on 22 March 2011 that 'for the past 16 years, conservation interests have been represented on the SWBTA Environmental Advisory Committee (EAC). CCC has, in the main, been supportive of the measures taken by Defence to study, monitor and manage the SWBTA environment. Recent activities have included improved fire and pest management practices, the temporary closure of roads and damaged sectors to ensure remediation can occur following exercises… CCC believes that Defence has provided effective custodianship of SWBTA.'

Risk workshops are conducted for each Talisman Sabre exercise with Defence, the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) and environmental consultants. An example of a previous 2005 workshop which evaluated various Defence activities including nuclear accidents is on the GBRMPA website at:

(b) The potential for environmental impacts of major exercises are assessed by Defence in accordance with the requirements of relevant environmental, health and safety laws, international treaty obligations and Defence's own internal policies and procedures. The Great Barrier Reef Marine Park Authority (GBRMPA) also provides environmental advice to Defence on the potential impact of Defence activities on the Great Barrier Reef Marine Park.

(c) As is the case with other major exercises, Defence has undertaken the assessment of Talisman Sabre 2011 using the services of a professional environmental consulting company. The process has also involved regular consultation with representatives from State and Commonwealth environmental regulatory agencies.

(d) The assessment has not yet been completed and will not be finalised until after the final exercise planning conference confirms the activities that will be undertaken as part of the exercise. To date no significant environmental impacts have been identified.

(e) and (g) The condition of Defence training areas are routinely assessed as part of Defence's training area management procedures and environmental management systems.

SBWTA terrestrial areas were not affected by the Fitzroy River flood in Rockhampton in early 2011. So far in 2011 the training area has received large amounts of localised rainfall which has resulted in localised flooding. Defence is actively monitoring on ground conditions and has strategies to enable activities to proceed where the environmental conditions allow activities to occur in a sustainable manner.

Infrastructure maintenance works have continued to occur to conduct repairs and routine maintenance to flood damaged road networks within SWBTA. These works commenced on 25 January 2011 and are ongoing.

Tropical Cyclone Yasi caused vegetation damage at Cowley Beach Training Area (CBTA). Vegetation debris is currently being removed from the track network at CBTA. Only those parts of training areas that are considered suitable for the conduct of activities under the Talisman Sabre banner will be used.

(f) N/A.

(h) No. Most of the naval elements are not located in the Great Barrier Reef but will be operating well offshore in the Coral, Timor and Arafura Seas. Some naval activity associated with the conduct of an amphibious landing will occur at SWBTA. It is not considered that this activity will have any measurable impact on the environmental values of the Great Barrier Reef.
(3) (a) The Darumbal people have representation on the SWBTA Environmental Advisory Committee (EAC). This meeting is held biannually and membership is made up of local key stakeholders including the GBRMPA, State Government Department of Environment and Resources Management (DERM) and Department of Employment, Economic Development and Innovation (DEEDI), neighbouring graziers, Forestry Plantations Qld Pty Ltd, conservation group representation, Central Queensland University, fisheries representatives and Rockhampton Regional Council.

Defence provides members with an update of upcoming exercises and activities for SWBTA along with planned works (infrastructure and environmental).

A representative from the professional environmental consulting company who is undertaking the Public Environment Report attended the 12 October 2010 meeting. Members were advised of public consultation dates and locations along with an overview of the Talisman Sabre 2011 exercise concept of operations. All EAC members are provided detailed minutes from the meetings.

(b) The Darumbal member was unable to attend the 12 October 2010 meeting however has been informed of the meeting discussions and provided with the meeting minutes.

(c) N/A.

4) (a) No.

(b) All emissions and contamination arising from Defence activities associated with the exercises are managed in accordance with international treaty obligations, Australian domestic environmental, health and safety laws, Defence internal policies and procedures and specific exercise plans and protocols. Environmental monitoring data has been collected from water catchments around impact areas at SWBTA which demonstrates that use of SWBTA for military training is not having an impact on neighbours or the Great Barrier Reef. There have not been any significant incidents that have caused contamination of the environment arising from major exercises.

(c) No. All discharges to the environment occurring as part of the exercise are carefully managed in accordance with all relevant environmental laws and procedures. Discharge of sewage and ballast water from ships is strictly regulated to a standard that meets or exceeds the requirements of the International Maritime Organisation (IMO) and particularly for naval vessels operating in the Great Barrier Reef.

(d) No. Defence has repeatedly assured the Australian public over many years that depleted uranium ordnance is not in the inventory of munitions approved for use in Australia.

5) (a) Yes.

(b) Perchlorate contamination is an issue on military training areas particularly where large numbers of rocket propelled munitions have impacted on training area targets. In Australia, Defence has done some monitoring of target areas to assess whether perchlorate contamination might be a significant issue. Given the comparatively low number of perchlorate containing munitions used in Australia, contamination is not considered a significant risk. No targeting of the marine environment by ordnance containing perchlorate is planned for Talisman Sabre 2011.

(c) SWBTA has an established annual water quality monitoring program consisting of 27 established sites. All sites are freshwater sources. Surface water is tested for a mixture of the following parameters: physiochemicals, nutrients, chlorophyll, pathogens, metals (dissolved), high explosives, petroleum oil and lubricants and pesticides / insecticides.

Water Park Creek is specifically tested for physiochemicals, nutrients, chlorophyll, pathogens, metals (dissolved), high explosives, petroleum oil and lubricants and pesticides/insecticides.

Sandy Creek is tested for physiochemicals, nutrients, chlorophyll, pathogens, metals (dissolved), high explosives and pesticides/insecticides.

Annual testing commenced in April 2011 and results are expected in June 2011. No Groundwater testing occurs on SWBTA.
(d) Yes.
(e) Ordnance is only introduced into the environment in designated target areas. Metals contamination is an issue that Defence routinely manages on its training ranges.

6. (a) No.
(b) No. Defence understand that the US Navy holds permits from the US regulatory agencies to operate the types of sonar fitted to US ships. Defence is not aware that the US Navy has exemption from US legislation that would permit the use of sonar anywhere in the world.
(c) No. Talisman Sabre 2007 was not held in Hawaii. Australia participated in RIMPAC exercises in Hawaii. Defence understands that the courts in the US did not accept all the claims being made by environmental groups about the potential for sonar to harm marine mammals.
(d), (f) and (g) As set out in the PER, the use of military sonar during exercises in Australia is strictly regulated by procedures recognised as leading the world in terms of the level of protection afforded to marine mammals.
(e) Procedures require sonar to be shut down if whales approach too close to ships. Defence has funded significant world class research on marine mammal habitat in the Coral Sea, and research outcomes have been used to ensure that sonar activities are not programmed to be conducted in areas where animals are known to congregate.
(h) Sonar performance parameters are classified. However, Defence Science and Technology acoustic experts have advised that the received levels from active sonar will have fallen below levels considered to have the potential to disturb marine mammals within 4,000 yards of the ship. These levels are similar to those mandated for other noise generating activities in the marine environment.

7. An area of two hectares undersea in Shoalwater Bay will not be destroyed during Talisman Sabre 2011. Underwater demolitions occur at the existing demolitions range in Shoalwater Bay. The area impacted by activities involving demolitions over the past 20 years is approximately two hectares. The pristine marine area of Shoalwater Bay is 164,000 hectares. The Defence impact area represents approximately 0.0012 per cent of the Shoalwater Bay marine area.
(a) The PER identifies accidental physical and/or psychological harm to marine fauna caused by collisions from vessel manoeuvres and amphibious landings as a potential impact to the marine environment. This potential risk and impact is mitigated to an acceptable level through management controls such as the Talisman Sabre 2011 Environmental Management Plan (EMP) and the ADF Maritime Activities EMP. The ADF Maritime Activities EMP dictates strict procedures recognised as leading the world in terms of the level of protection afforded to marine mammals. Procedures in place require activities to cease if marine mammals are detected prior or during the exercise, reducing the risk of physical harm to marine mammals to very low.
(b) None.

8. (a) Aerial surveys of dugong populations commissioned by GBRMPA have been carried out by James Cook University since 1984. The most recent aerial survey conducted in Shoalwater Bay was in 2005 and the numbers were estimated at 895±295 (population estimate ± standard error).
(b) The PER does not state marine mammals will be ushered out of SWBTA. The claim that large marine mammals are moved is not correct. The mitigation measures in place for Talisman Sabre 2011 used to prevent injury to marine mammals do not include any form of herding, relocation or displacement. The measures require the participants to cease activities if marine mammals are detected during a monitoring period before the activity commences, or during the activity itself.
(c) Talisman Sabre 2011 activities have been carefully programmed to avoid areas where marine mammals are known to congregate. As a secondary precaution, vigilant monitoring and, where
necessary, shutdown of activities is mandated by the Talisman Sabre 2011 EMP and the ADF Maritime Activities EMP.

(9) (a) Defence annually produces a hazard reduction burn plan, designed to reduce fuel loads with an aim of securing the training area boundary (from the potential of fire escaping or coming into the training area), protect assets and conducting burns for ecological purposes.

Defence staff and Defence contractors meet with Queensland Parks and Wildlife Service, Forestry Plantations Qld Pty Ltd and Queensland Fire and Rescue Service annually to discuss proposed burns and work together where possible on combined boundary protection.

Range Standing Orders stipulate that no live firing is to occur within one kilometre of the range boundary. Defence also enforces site restrictions such as restricted use of flares and pyrotechnics in certain sectors of SWBTA to further reduce the risk of fires in certain areas.

(b) Overflight of populated areas by military aircraft is strictly controlled to avoid subjecting people to unacceptable levels of noise.

(c) Yes.

(d) See response to 7.

(10) (a) Ballast water discharge is regulated by the International Maritime Organisation's (IMO) Ballast Water Convention. Participants will manage the marine pest risks posed by ballast water exchange in accordance with the IMO's Ballast Water Convention prior to entry into the Great Barrier Reef Marine Park. All but a very small proportion of ballast water is embarked and discharged at the same location, preventing significant risk of translocation.

(b) All shipborne wastes are managed in accordance with the IMO's Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 (Marine Pollution (MARPOL) 1973/1978). Plastic materials, known to create ingestion and entanglement hazard to marine animals, are banned from being discharged by MARPOL, and Talisman Sabre 2011 participants are required to comply with this international ban.

(11) (a) Defence complies with the provisions of Australia's environmental laws including the Commonwealth's Environment Protection and Biodiversity Conservation Act and the Great Barrier Reef Marine Park Act. Formal impact assessments are only required if the environmental impacts are considered significant.

(b) Environmental reports are prepared by expert environmental consultants engaged by Defence. Environmental risk assessments involve both Commonwealth and State representatives from environmental regulatory agencies. For Exercise Talisman Sabre, the Department of Sustainability, Environment, Water, populations and Communities and the GBRMPA participated in the environmental risk assessments. Where impacts that are likely to be significant are identified these are referred to the Environment Minister for consideration. Defence also has its own professional environmental impact assessment staff who review exercise plans and procedures. For a major exercise like Talisman Sabre an Environmental Management Group is also appointed within the Combined Exercise Control group to advise senior military planners running the exercise on environmental mitigation and compliance issues.

(c) and (d) No. Defence does not consider such an analysis would be an effective use of taxpayer funds.

QUESTIONS ON NOTICE
Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications':

(1) As at 31 December 2010, how many uniformed personnel, full-time and part-time, were employed.

(2) As at 1 July 2010, how many uniformed personnel were employed on the projects.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) As at 31 December, there were 59,019 full-time and part-time equivalent average uniformed personnel employed. This number, like the workforce data detailed in Strategic Reform Program: Making It Happen, reflects full-time equivalent average numbers, known as Average Funded Strength (AFS) for military personnel. Using the AFS approach, Defence counts full-time and part-time service as one overall average quantity.

(2) The Government provisioned an additional 1,201 full-time equivalent uniformed personnel for 2010-11 under the White Paper, as reflected in the Strategic Reform Program: Making It Happen.

This workforce has been allocated to the Services to implement a range of White Paper initiatives including the Defence Capability Plan. The breakdown by Service is Navy 566, Army 392 and Air Force 243.

These personnel ranged from sailors, soldiers and airmen/women to senior officers on an as needed basis according to the particular White Paper projects and initiatives being actioned, including through the Strategic Reform Program.

Because of the breadth and depth of the White Paper initiatives, the number of personnel varied throughout the specified period and it is not possible to provide a specific total referenced to each White Paper project.

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications – Military Workforce':

(1) As at 31 December 2010, how many civilian personnel, full-time and part-time, were employed in implementing the White Paper initiatives.

(2) As at 1 July 2010:

(a) how many civilian personnel were employed; and

(b) in what programs.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) and (2) (a) and (b) The Government provisioned an additional 1,332 civilian personnel (in Defence and the Defence Materiel Organisation, including Australian Public Service staff and
contractors) for 2010-11 under the White Paper, as reflected in the publication The Strategic Reform Program: Making It Happen. This provision applied on both 31 December 2010 and 01 July 2010.

The workforce data detailed in The Strategic Reform Program: Making It Happen are based on approved allocations at the time of publication and reflect full-time equivalent average numbers. Using the full-time equivalent (FTE) approach, Defence counts full-time and part-time service as one overall average quantity.

This workforce has been allocated across all Defence Groups to implement a range of White Paper initiatives including the Defence Capability Plan.

These Australian Public Service personnel ranged from junior to senior officers on an as needed basis according to the particular White Paper initiatives being actioned.

Because of the breadth and depth of the White Paper initiatives, the number of personnel varied throughout the specified period and it is not possible to provide a specific total referenced to each White Paper initiative.

**Defence: Staffing**  
(Question No. 469)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications – Military Workforce': For the period 1 July to 31 December 2010, how many uniformed personnel, including full-time and part-time, were employed in implementing the White Paper initiatives.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

The Government provisioned an additional 1,201 full-time equivalent uniformed personnel for 2010-11 under the White Paper, as reflected in the publication Strategic Reform Program: Making It Happen.

The workforce data detailed in Strategic Reform Program: Making It Happen are based on approved allocations at the time of publication and reflect full-time equivalent average numbers, known as Average Funded Strength (AFS) for military personnel. Using the AFS approach, Defence counts full-time and part-time service as one overall average quantity.

This workforce has been allocated to the Services to implement a range of White Paper initiatives including the Defence Capability Plan. The breakdown by Service is Navy 566, Army 392 and Air Force 243.

These personnel ranged from junior to senior officers on an as needed basis according to the particular White Paper initiatives being actioned, including through the SRP.

Because of the breadth and depth of the White Paper initiatives, the number of personnel varied throughout the specified period and it is not possible to provide a specific total referenced to each White Paper initiative.

In relation to the overall military workforce, over the period 01 July to 31 December 2010, Defence employed an average of 59,160 full-time equivalent average uniformed personnel which is 1,842 above the 2010-11 indicative allocation of 57,318 as specified in the Reform Program: Making It Happen publication. This indicative allocation has increased since that time, particularly with the allocation of 447 AFS in 2010-11 to provide to Defence on a no win/no loss basis to cover reserve Army personnel employed on a full-time basis for operations.
Defence: Staffing
(Question No. 471)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications – Military Workforce': As at 31 December 2010, what increase or reduction has there been in civilian personnel employed, full-time and part-time, in the department and in the Defence Materiel Organisation since 1 July 2008.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

The workforce data detailed in the White Paper and the Strategic Reform Program 'Indicative Workforce Implications' are based on approved allocations at the time of publication and reflect full-time equivalent average numbers.

As at 31 December 2010, Defence was employing 21,029 full-time equivalent average civilian personnel, of which 653 were contractors. This is a reduction of -163 full-time equivalent average (-0.8%) since 1 July 2008. This comprises Defence 15,564 (-143, -0.9%) and the Defence Materiel Organisation 5,465 (-20, -0.4%).

Defence: Staffing
(Question No. 472)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications – Civilian Workforce': For the period 1 July to 31 December 2010, how many personnel, including full-time and part-time, were employed as Australian Public Service staff or contractors.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

The workforce data detailed in the White Paper and the Strategic Reform Program 'Indicative Workforce Implications' are based on approved allocations at the time of publication and reflect full-time equivalent average numbers. Using the full-time equivalent (FTE) approach, Defence counts full-time and part-time service as one overall average quantity.

Over the period 1 July to 31 December 2010, Defence employed 21,029 full-time equivalent average civilian personnel, of which 653 were contractors.

Defence: Staffing
(Question No. 473)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

With reference to the White Paper and the Strategic Reform Program (SRP) 'Indicative Workforce Implications – Civilian Workforce': For the period 1 July to 31 December 2010, how many Australian Public Service staff or contractors, including full-time and part-time, were employed on White Paper/SRP initiatives.
**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

The Government provisioned an additional 1,332 civilian personnel (in Defence and the Defence Materiel Organisation, including Australian Public Service staff and contractors) for 2010-11 under the White Paper, as reflected in the publication *The Strategic Reform Program: Making It Happen*.

When staff savings resulting from the Strategic Reform Program (SRP) are accounted for, the net White Paper/SRP total reflected in *The Strategic Reform Program: Making It Happen* reduces to 1,187. Increases in the targets for efficiency savings since publication mean that the net White Paper/SRP civilian staffing total for 2010-11 was 938 as at 30 March 2011.

The workforce data detailed in *The Strategic Reform Program: Making It Happen* are based on approved allocations at the time of publication and reflect full-time equivalent average numbers. Using the full-time equivalent (FTE) approach, Defence counts full-time and part-time service as one overall quantity.

This workforce has been allocated across all Defence Groups to implement a range of White Paper initiatives including the Defence Capability Plan.

These Australian Public Service personnel ranged from junior to senior officers on an as needed basis according to the particular White Paper initiatives being actioned.

Because of the breadth and depth of the White Paper initiatives, the number of personnel varied throughout the specified period and it is not possible to provide a specific total referenced to each White Paper initiative.

In relation to the overall civilian workforce, over the period 01 July to 31 December 2010, Defence employed an average of 21,029 full-time equivalent average civilian personnel, of whom 653 were contractors. This comprises Defence 15,564 and the Defence Materiel Organisation 5,465. It should be noted that 21,029 is 2,020 less than the projected allocation of 23,049 for 2010-11 as shown in the *The Strategic Reform Program: Making It Happen* publication.

**Defence: Staffing**  
(Question No. 475)

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications – Civilian Workforce': As at 31 December 2010, what increase or reduction has there been in full-time and part-time Australian Public Service staff or contractors employed since 1 July 2008.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

The workforce data detailed in the White Paper and the Strategic Reform Program 'Indicative Workforce Implications' are based on approved allocations at the time of publication and reflect full-time equivalent average numbers. Using the full-time equivalent (FTE) approach, Defence counts full-time and part-time service as one overall quantity.

As at 31 December 2010 Defence was employing 21,029 full-time equivalent average civilian personnel, of which 653 were contractors. This is a reduction of -163 full-time equivalent average (-0.8%) since 1 Jul 2008.
Defence: Submarines  
(Question No. 476)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

For the period 1 July to 31 December 2010, which submarines in the Royal Australian Navy fleet were fully operational ready for tasking with a full crew complement and capable of completing Unit Ready Days and Tasking Ready Days.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

HMAS Collins was operational during the period except between mid to end December 2010 undergoing a Certification Extension Docking.

HMAS Waller was operational during the period except between September and October 2010 undergoing an Intermediate Maintenance Activity.

HMAS Dechaineux was operational during the period except in December 2010 undergoing an Intermediate Maintenance Activity.

The term 'Tasking Ready Days' is not in use by the Royal Australian Navy.

Defence: Submarines  
(Question No. 477)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

(1) For the period 1 July to 31 December 2010:
(a) which submarines in the Royal Australian Navy fleet were non-operational; and
(b) for each submarine that was non-operational, what was the reason for its non-operational status.

(2) What was the cost of maintaining the six submarines for the periods:
(a) 1 July to 31 December 2010; and
(b) 1 January to 31 December 2010.

(3) What was the total cost of operating and sustaining the six submarines for the periods:
(a) 1 July to 31 December 2010; and
(b) 1 January to 31 December 2010.

(4) What were the crewing complements for each of the six submarines for each month in the periods:(a) 1 July to 31 December 2010; and
(b) 1 January to 31 December 2010.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) (a) and (b)
(i) HMAS Collins was non operational mid to end December 2010 undergoing a Certification Extension Docking
(ii) HMAS Farncomb was non operational July to December 2010 undergoing Intermediate Docking
(iii) HMAS Waller was non operational September to October 2010 undergoing an Intermediate Maintenance Activity

QUESTIONS ON NOTICE
(iv) HMAS *Dechaineux* was non-operational in December 2010 undergoing an Intermediate Maintenance Activity.

(v) HMAS *Sheean* was non-operational throughout in Full Cycle docking and

(vi) HMAS *Rankin* was non-operational in layup, awaiting Full Cycle docking

(2) Cost of maintaining the six submarines for the periods:

(a) 1 July to 31 December 2010 – Maintenance plus inventory $155.4m

(b) 1 January to 31 December 2010 – Maintenance plus inventory $356.8m

(3) Cost of operating and sustaining the six submarines for the periods:

(a) 1 July to 31 December 2010

Operating costs($16.1m) + sustainment costs($155.4m) = $171.5m

(b) 1 January to 31 December 2010

Operating costs($31.2m) + sustainment costs($356.8m) = $388m

(4) Crewing complements for each of the six submarines for each month in the period:

(a) 1 July to 31 December 2010 –

(i) HMAS *Collins*, *Waller* and *Dechaineux* full complement throughout

(ii) HMAS *Farncomb*, *Sheean* and *Rankin* uncrewed throughout

(b) 1 January to 31 December 2010

(i) HMAS *Collins* full complement February to December 2010

(ii) HMAS *Farncomb* full complement January to February 2010 and then uncrewed for remainder of period

(iii) HMAS *Waller* full complement throughout

(iv) HMAS *Dechaineux* full complement throughout

(v) HMAS *Sheean* uncrewed throughout

(vi) HMAS *Rankin* uncrewed throughout

**Defence: Submarines**

(Question No. 478)

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

For the period 1 July to 31 December 2010:

(a) how many fully qualified personnel are 'Dolphin Qualified' and permanently employed in the Royal Australian Navy to operate submarines; and

(b) how many 'Dolphin Qualified' personnel were tasked with other duties and what were these duties.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

(1) (a) 542.

(b) 79 These personnel are employed in a variety of positions within strategic and operational headquarters. Duties include logistics support, project management, capability development, and senior staff officer roles.
Defence: Submarines
(Question No. 479)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

For the period 1 July to 31 December 2010, how many personnel fully completed training courses and became 'Dolphin Qualified' and eligible to serve on submarines.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

Forty-nine personnel completed training and became submarine qualified during the period 1 July to December 2010.

Defence: Submarines
(Question No. 480)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

For the period 1 July to 31 December 2010, how many personnel completed training courses and became 'Perisher Qualified' and eligible to command a submarine.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

No personnel completed the Submarine Command Course during this period.

Defence: Submarines
(Question No. 481)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

As at 31 December 2010, how many Royal Australian Navy personnel are 'Perisher Qualified' and eligible to command a submarine?

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

Twenty Royal Australian Navy personnel were 'Perisher Qualified' and eligible to command a submarine as at 31 December 2010.

Defence: Submarines
(Question No. 482)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

For the period 1 July to 31 December 2010, which submarines were undergoing maintenance/refit programs and for what length of time.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

1. HMAS Collins – entered Certification Extension Docking Mid December 2010
2. HMAS Farncomb – conducted defect rectification period and a scheduled docking from July to December 2010
(3) HMAS Waller – conducted an Intermediate Maintenance Activity from September to October 2010
(4) HMAS Dechaineux – conducted an Intermediate Maintenance Activity in December 2010
(5) HMAS Sheean – was in Full Cycle docking from July to December 2010, and
(6) HMAS Rankin - was in layup awaiting Full Cycle docking from July to December 2010.

**Operation Talisman Sabre 2011**

(Question No. 563)

Senator Ludlam asked the Minister representing the Minister for Defence, upon notice, on 4 April 2011:

(1) With reference to Exercise Talisman Sabre 2011, including the costs of the exercise and the Public Environment Report (PER):
   (a) what is the total cost to the department of the Talisman Sabre exercises;
   (b) what proportion of this cost will Australia be paying;
   (c) what was the cost to the department of the preparation of the PER by AECOM;
   (d) given that the public submission period closed in December 2010:
      (i) how many submissions were received; and
      (ii) how was participation advertised.
   (e) is the department aware of a local campaign to get Exercise Talisman Sabre 2011 cancelled in order to use the money for the Queensland recovery;
   (f) will the Talisman Sabre games take place anywhere in Western Australia; and
   (g) following Exercise Talisman Sabre 2011, will any submarines from the United States of America (US) be landing in Fremantle to engage in 'border protection' or 'piracy' work.

(2) With reference to the details of the exercise, including what and who is involved:
   (a) when will Exercise Talisman Sabre 2011 be occurring;
   (b) what are the dates for the live firing parts of the exercise;
   (c) in which parts of Australia will the war games be taking place;
   (d) how many Australian troops will be taking part in the war games, listed separately:
      (i) Army;
      (ii) Navy; and
      (iii) Air Force.
   (e) how many troops from the US will be taking part in the war games, listed separately:
      (i) Army;
      (ii) Navy; and
      (iii) Air Force.
   (f) will the Australian Federal Police participate in the exercise;
   (g) will the Defence Signals Directorate, the Australian Secret Intelligence Services, the Australian Security Intelligence Organisation, or any other Australian intelligence agencies, participate in the exercise;
   (h) will US intelligence agencies participate in the exercise;
   (i) will military or other personnel from countries other than Australia be observing Exercise Talisman Sabre 2011; if so, for what purpose;

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(j) is there any way of knowing what class of nuclear submarines will be used; and
(k) will unmanned aerial vehicles be used throughout the exercise.

(3) With reference to the stakeholders:

(a) who is identified as a stakeholder for the purpose of consultation in Exercise Talisman Sabre 2011;
(b) how will consultation with the traditional owners of the land and seas used in Exercise Talisman Sabre 2011 take place;
(c) who is consulted about the use of:
   (i) the Coral and Arafura Seas;
   (ii) the Bradshaw and Delamere Range sites in the Northern Territory;
   (iii) Brisbane Port;
   (iv) Shoalwater Bay;
   (v) Cowley Beach; and
   (vi) any other areas of operation.
(d) do traditional owners have any right to dissent to actions involved in Exercise Talisman Sabre 2011;
(e) what is the contingency plan for the event that protesters trespass onto a military area during the live phase of the exercise;
(f) given that, in past Talisman Sabre exercises, certain media has been invited to special events, including press conferences in Brisbane and elsewhere, ship visits and trips into the military zone at Shoalwater Bay, while independent media, such as community radio stations and freelance filmmakers and journalists have not been included in these invitations:
   (i) what process is entailed in determining which media personnel are invited, and
   (ii) will community radio and other independent media-makers be invited to media events for Exercise Talisman Sabre 2011; and
(g) can the department confirm that there is a mosque in the Urban Warfare Training Facility in the Shoalwater Bay Training Facility; if so, is its purpose to assist in practice military operations against mosques.

(4) Given that the Exercise Talisman Saber 2009 Environment Post Exercise Report, dated January 2010, suggests that there were no significant environmental incidents in regard to whale surveys, some ground surface damage management, and back burning or fire management issues, yet includes no information about the impacts of live firing, mine countermeasures and anti-submarine warfare:

(a) what were the impacts of live firing, mine countermeasures and anti submarine warfare;
(b) what measures will be taken to measure and minimise harmful contamination to the water in Shoalwater Bay; and
(c) what actions were taken by the military between 2007 and 2009 to lessen the potential impacts of military exercises on migrating whales, in particular, and other flora and fauna.

(5) Will depleted uranium weapons be used during the joint military exercise; if so:

(a) where will they be used;
(b) how many will be used;
(c) are the surrounding communities aware that depleted uranium weapons will be used; and
(d) has the Government completed any analysis on the human health effects of exposure to depleted uranium weapons.
Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) (a) Talisman Sabre 2011 (TS11) is a Joint and Combined exercise and the funding is broken down across the Service Groups and Headquarters Joint Operations Command. The total cost of the exercise will not be known until after the exercise is complete and all bills paid, including any remediation activities. For Talisman Sabre 2009 the cost of the exercise to the Department of Defence was estimated at approximately $48 million, excluding the cost of ownership of Australian Defence Force (ADF) assets.

(b) The Commonwealth will fund all costs directly associated with the participation of ADF forces in the exercise and ancillary tasks related to the provision and stewardship of the training areas.

(c) The contract with AECOM Australia Pty Ltd for the Public Environment Report (PER) provides for the conduct of a risk management workshop at the TS11 Initial Planning Conference, preparing and publishing the document, organising the public information displays, organising and manning the 1800 phone line, producing five Fact Sheets, and the production of hard copies and DVDs of the PER. The contract price is $164,000.

(d) (i) Fifteen written submissions were received following the promulgation of the PER, as well as approximately 30 verbal comments and inquiries at the manned Public Information Days at Yeppoon, Rockhampton and Rockhampton North.

(ii) Requests for input from the general public and invitations for active participation in the public information days were advertised in the local newspapers in Rockhampton, Townsville and Darwin, and also in unmanned displays in the libraries at Rockhampton North, Rockhampton South, two locations in Townsville, and in Darwin.

(e) No.

(f) The exercise takes place in NT and QLD and the adjacent waters.

(g) The ADF does not disclose Australian or allied submarine movements. Border protection in Australian waters is a sovereign responsibility and is conducted solely by National assets.

(2) (a) The exercise will be held 11-29 July 2011.

(b) The live fire activities occur 11-17 July 2011 and 27-29 July 2011. Live firing activities involve combined forces – air, land and sea.

(c) The exercise occurs primarily in Defence exercise areas between Rockhampton and Townsville and the adjacent waters. Some activities will also occur around Darwin, RAAF Base Tindal (near Katherine), Delamere Air Weapons Range and Bradshaw Training Area, near Timber Creek, and in waters in the Timor Sea.

(d) It is anticipated approximately 8,500 Australian personnel will participate in the military training exercise Talisman Sabre 2011 (TS11) in the Shoalwater Bay Training Area near Rockhampton, Australia, and in the Townsville Field Training Area from 11-29 July 2011.

(i) Army: 5,400;

(ii) Navy: 1,600; and

(iii) Air Force: 1,500.

(e) The exact composition of the US participating units is undetermined as it is impacted by real world relief efforts, particularly in Japan. More fidelity on the US force participation will become available closer to the exercise however approximately 20,000 people are expected. A list of participating forces will be made available via a link on www.defence.gov.au/globalexes.cfm.

(f) Yes. A detachment of 12-14 Australian Federal Police (AFP) personnel will participate.

(g) Defence does not comment on the activities of intelligence agencies.
(h) Consistent with the practice of successive governments, I do not intend to comment on intelligence matters.

(i) Yes. The purpose of the international observer's day is to demonstrate the combined capabilities, strength and openness of the alliance between Australia and the United States to the broader region.

(j) A Los Angeles Class attack submarine is scheduled to participate in the exercise.

(k) Yes, within the Shoalwater Bay Training Area – as conducted in 2007 and 2009.

(3) (a) (i) Australian Minister of Defence;
(ii) US Secretary of Defense;
(iii) Queensland and Northern Territory local governments and interest groups;
(iv) Relevant sea port and airport authorities;
(v) US Department of State;
(vi) Department of Foreign Affairs and Trade;
(vii) Australian Quarantine and Inspection Service;
(viii) Commonwealth and State regulatory agencies e.g.: Australian Quarantine Inspection Service, Great Barrier Reef Marine Park Authority, Queensland Department of Environment and Resources; and
(ix) Australian community through the Defence Public Environment Report process.

(b) The approach that is applied to indigenous engagement regarding the use of training areas or other land or sea areas for training is multi-pronged. The method of consultation is tailored to the differing requirements of the local indigenous group or groups involved. In some areas, Indigenous Land Use Agreements (ILUAs) or Memorandums of Understanding (MOUs) require consultation to be undertaken in a particular way. Land councils often take a role under ILUA or MOU arrangements. In other locations there are well-established local Environmental Advisory Committees that meet regularly and on which traditional owner groups are represented. There are also Heritage Management Plans for most major training areas that have been developed in consultation with relevant indigenous groups. These Plans require consultation for certain types of actions or activities in certain areas, depending on their nature.

From a Civil Lands perspective, the Defence Support Group Regional staff routinely advise all ADF Units undertaking activities to consult with the respective Land Councils and where necessary apply for permits to access traditional country. This process is currently managed via Defence's Directorate of Operations and Training Area Management (DOTAM) who have civil liaison personnel to administer these arrangements.

For Talisman Sabre specifically - the exercise is cyclic and is now a routine activity. Indigenous consultation has occurred through the Environmental Advisory Committee meetings, through routine consultation with land councils or other traditional owner groups and individuals, as required under Individual Land User Agreements or Memorandums' of Understanding.

(c) (i) Defence activities in the international waters of the Coral and Arafura Seas that may impact members of the public are de-conflicted through routine mechanisms that advise areas that are restricted due to naval activity or for the conduct of live firings.

(ii) In the Bradshaw Range area Defence complies with the consultation requirements of the local Indigenous Land Use Agreement (ILUA). In Delamere, consultation with the Local Land Council is conducted routinely, every six months, for planned activities.

(iii) When scheduled, ship port visits to Brisbane Port are coordinated through appropriate Federal and State authorities.

(iv) - (v). In the Shoalwater and Cowley Beach areas, Traditional Owner Groups are represented on the respective Environmental Advisory Committees. Additionally, the local Shoalwater Bay Training
Area Regional Environmental Officer (REO) is in regular contact with the Darumbal people's representative. Further community engagement in May and June will build on this relationship. More broadly, Defence engaged environmental consultants to develop a Public Environment Report as part of the environmental impact assessment process. This process included community engagement with local communities in Rockhampton, Wide Bay, Townsville, Cowley Beach and Tully. Defence also works closely with the Great Barrier Reef Marine Park Authority and the Department of the Environment, Water, Heritage and the Arts to ensure Defence training activities continue to protect the unique environment of the Great Barrier Reef. AQIS was consulted about US force elements landing directly into Shoalwater Bay to ensure that US forces comply with Australian Quarantine requirements. Rockhampton Council, GBRMPA, Queensland Police, and local community groups were consulted regarding exercises activities occurring in Shoalwater bay training Area and exercises support activities in Rockhampton.

(vi). As addressed in the response to question (3)(b) and (c).

(d) Traditional owners have the right to express their concerns during any of the consultation processes or separately if desired. Traditional owners in Bradshaw, Delamere, Townsville, and Shoalwater Bay have not advised Defence of any dissent to the conduct of the exercise.

(e) Appropriate contingency plans have been developed and will be constantly updated. It is not appropriate to divulge the plans for security reasons.

(f) (i)-(ii) Media alerts will be distributed for specific Talisman Sabre activities. All media interested in covering TS11 are required to undertake media accreditation prior to gaining TS11 access. The media accreditation proforma will be available on the TS11 official website. Accreditation and induction for media attending the exercise is a requirement for occupational health and safety reasons.

(g) The Urban Operations Training Facility at Shoalwater Bay provides essential military training in urban environments to the ADF and it has been deliberately constructed to be culturally neutral while representative of the urban environments the ADF is likely to operate in or currently operates in. There is a religious building of no denomination that is part of the fictitious society created for training purposes. There is no mosque.

(4) (a) Live fire exercises during Talisman Sabre 2009 (TS09) were restricted to specific target areas within Defence training ranges. Some fires did result but these were all contained within Defence training range boundaries. Whale sightings were recorded and vessels implemented the appropriate procedures whenever whales were in the immediate vicinity – no incidents were recorded. Mine countermeasures training is undertaken using simulated underwater mines made of concrete – these are retrieved at the end of the training – there were no identified impacts. Anti submarine warfare training using military sonar was undertaken in areas away from features likely to attract whales, and well out to sea away from the main humpback whale migratory route. Standard operating procedures for both Australian and US ships required that sonar operations cease if whales were sighted too close to warships operating sonar equipment. These procedures are well rehearsed and effective. There were no known impacts on marine mammals.

(b) Water quality is routinely monitored in the Shoalwater Bay Training area. It has never indicated that military activities pose any significant threat to the water quality of Shoalwater Bay or the Great Barrier Reef. Strict protocols that generally exceed the obligations that apply to commercial, tourist or recreational shipping and boating apply to all warships participating in the exercise, particularly in relation to discharges of sewage and other shipborne waste, management of fuels and other chemicals.

(c) In 2009 Defence developed the TS09 Environmental Management Plan to guide key participants through the environmental management requirements for TS09. This document has evolved over several major exercise iterations. This Plan compliments the ADF Maritime Activities Environmental Management Plan that was first promulgated in 2004 and has been updated regularly since to incorporate new advice. Guidance on whale avoidance incorporates the results of surveys in the Coral
Sea conducted by the Defence Science and Technology Organisation, the RAN and a number of Universities, in 2008 and 2009, into whale distributions, particularly that of beaked whales. These surveys informed the development of mitigation measures. During the same period however, a number of studies were conducted on land and air operations to introduce mitigation measures to minimise the impact on flora and fauna by such things as hydrocarbon emissions and aircraft noise. As an example the RAAF Air Operations Environmental Management Plan was developed between 2006 and 2009.

(5) (a) No. Depleted uranium munitions will not be used during TS11. Depleted uranium munitions are not in the ADF inventory and not permitted for use by foreign or domestic forces within Australian territories.

(b) Nil.

(c) Not applicable

(d) Not applicable.

**Defence: Submarines**

*(Question No. 635)*

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 29 April 2011:

(1) What involvement has the Defence Science and Technology Organisation (DSTO) had in developing the replacement submarine project.

(2) What specific tasks has DSTO undertaken at the direction of the SEA 1000 office.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

(1) DSTO is providing expert, objective scientific and technical support to the SEA 1000 program. This includes the research and development planning and execution.

(2) DSTO has undertaken, or is undertaking, scientific and technical tasking for SEA 1000 in the following areas:

(a) S&T Support to Capability Development Documentation.

(b) Submarine Modelling and Capability Analysis.

(c) Submarine Sensor Technologies Studies.

(d) Combat Systems Studies.

(e) Power and Energy Systems Studies.

(f) Submarine Main Storage Battery Studies.

(g) Off-board Deployed Systems Studies.

(h) Hull Material, Fabrication and Inspection Studies.

(i) Submarine Signature Technologies.

(j) Submarine Hydrodynamics and Propeller Studies.

(k) Crewing and Human Systems Integration Studies.

(l) Submarine Systems Integration Studies.

(m) Submarine Logistic Support Concepts.
Defence: Submarines
(Question No. 636)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 29 April 2011:

(1) How many staff from Defence Science and Technology Office have been, or are currently, assigned to tasks associated with the design of the Collins Class replacement submarine.

(2) What tasks did each of these officers undertake and for what period.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) and (2) The Defence Science Technology Organisation (DSTO) is not involved in tasks associated with the “design of the Collins Class replacement submarine”. However, DSTO is engaged in long-lead Research and Development activities that benefit the Collins Class submarines and the Future Submarine Program. In addition, DSTO is supporting the SEA 1000 project on a range of scientific and technical analysis activities.

Treasury
(Question No. 683)

Senator Ludlam asked the Minister representing the Treasurer, upon notice, on 14 June 2011:

In regard to the Extractives Industry Transparency Initiative and revenue transparency and in reference to the answers to questions during the 2010-11 additional estimates in February 2011 which stated that the United States of America (US) Dodd-Frank Act ‘does not demonstrably reduce corruption’:

(1) Is the Government aware that:
(a) the British and French Governments have publicly stated their support for extractive industry reporting rules in the European Union, similar to the US Dodd-Frank rules; and,
(b) the European Commission is now developing legislative proposals to improve extractive industry disclosure requirements.

(2) Is the Government aware that the Hong Kong Stock Exchange enacted a similar extractive industry disclosure requirement in 2010.

(3) Does the Government accept that secrecy of oil, gas and mining company payments to governments can foster government corruption and violent conflict in resource-rich countries.

(4) Does the Government agree that:
(a) initiatives such as the US Dodd-Frank Act can contribute to improving transparency of extractive industry payments and that this transparency is essential for tackling corruption and reducing poverty in resource rich, poor countries; and
(b) making public the revenues that governments receive from oil, gas and mining companies will make those governments more open and more accountable to their citizens.

(5) Does the Government agree that making public the revenues that governments receive from oil, gas and mining companies will make these industries more transparent to investors.

(6) Given that many companies and other stakeholders believe that extractive industry disclosure requirements should be adapted across all major markets to ensure a level playing field and consistent reporting across countries, what is the Government’s position on this.
(7) Will the Government commit to engaging in dialogue with stakeholders – including Australian mining oil and gas companies, investors and civil society – on possible Australian requirements for extractive industry disclosure similar to the US Dodd-Frank Act; if not, why not.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

(1) (a) The Government is aware that some European Governments have indicated support for extractive industry reporting rules in the European Union. (b) The Government is aware that the European Commission has consulted stakeholders regarding country-by-country reporting by multinational companies but has not yet brought forward draft legislation.

(2) The Government is aware of the new Chapter 18 requirements for extractives companies newly listing on the Hong Kong Stock Exchange.

(3) Yes. In countries with weak governance frameworks, or the absence of the rule of law, government corruption can be a serious problem. The Government supports improved governance arrangements to help address this.

(4) Refer to response to Question 3.

(5) The Australian Taxation Office regularly publishes details of revenue received by industry sector.

(6) The Government believes that action on this subject is most effective if coordinated globally, and is working with other G20 nations to achieve this.

(7) The Government continues to engage with stakeholders to ensure Australia’s governance arrangements remain world’s best practice.

Organisation for Economic Cooperation and Development

(Question No. 684)

Senator Ludlam asked the Minister representing the Treasurer, upon notice, on 14 June 2011:

Given the imminent release of the updated Organisation for Economic Co-operation and Development [OECD] Guidelines for Multinational Enterprises which provides the Government with a timely opportunity to make a significant investment in promoting the guidelines among Australian businesses that operate overseas, and to consider the institutional arrangements, independence of and resources available to the Australian National Contact Point.

(1) What additional resources will be made available to the National Contact Point to promote the updated guidelines among Australian businesses operating overseas and among other stakeholders.

(2) Will the Government commit to understanding the institutional arrangements of other national contact points and commit to a public process that seeks to strengthen the institutional arrangements of the Australian National Contact Point; if not, why not.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

(1) A communications strategy is being developed and will be implemented to promote the updated guidelines amongst multinational enterprises operating in or from Australia. Appropriate resources will be applied to implementing this strategy.

(2) The Australian National Contact Point, a senior Treasury officer, recently met with other National Contact Points (notably from the UK and Netherlands) at the annual meeting of National Contact Points at the OECD to garner a more direct understanding of the different institutional arrangements of other national contact points. Following further consideration of the advice received
on the various models for National Contact Point in other OECD and adhering countries, the NCP will revamp consultation processes with multinational enterprises and other interested parties.

**Live Animal Exports**

*(Question No. 688)*

**Senator Abetz** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 15 June 2011:

With reference to a recent Four Corners program on Australia's live cattle trade with Indonesia, on what dates did Four Corners:

(a) take film footage of Indonesian abattoirs; and

(b) view and come into possession of film footage taken by animal activists

**Senator Conroy:** The answer to the honourable senator's question is as follows:

*Four Corners* first met with RSPCA and Animals Australia (AA) on 31 March 2011. At this meeting where members of the program team saw an excerpt of the footage AA had filmed in Indonesia. The program began conducting its own investigation from that point including submitting requests for journalist visas for Indonesia. The program received an early draft of the RSPCA's scientific analysis of the AA's footage and the many hours of unedited footage from AA in early April 2011; the footage required lengthy viewing and logging.

*Four Corners* began filming in the Top End with various cattle producers and industry representatives. Indonesian visas were approved on 28 April 2011 and the crew left for Indonesia the following day. The program filmed at abattoirs over the next 9 days. The crew then returned to Sydney to view material shot, write and edit the program as well as carry out further interviews until broadcast on Monday 30 May 2011.

**Centrelink**

*(Question No. 689)*

**Senator Abetz** asked the Minister representing the Minister for Human Services, upon notice, on 15 June 2011:

Did Centrelink contract with Ms S Foster of Sutton for $10 000 of 'cosmetic services' between June 2010 and June 2011 as per contract notice 351334:

(a) if so:

(i) what services were supplied,

(ii) what was the reason for this purchase,

(iii) who received the service,

(iv) what procurement method was chosen,

(v) if an open procurement method was chosen, did this entail an open approach to market and/or an open tender process,

(vi) if the requirement for these services was advertised, or published as a Request for Tender (RFT), can this be supplied,

(vii) were these services sought by Centrelink's National Support Office,

(viii) what was the actual cost of the services supplied, and

(ix) is Centrelink intending on purchasing any more such services; and

(b) if no 'cosmetic services' were purchased by Centrelink:

(i) what services were supplied as per contract notice 351334,
(ii) what was the reason for this purchase,
(iii) who received the service,
(iv) what procurement method was chosen,
(v) if an open procurement method was chosen, did this entail an open approach to market and/or an open tender process,
(vi) if the requirement for these services was advertised, or published as a RFT, can this be supplied,
(vii) were these services sought by Centrelink's National Support Office,
(viii) what was the actual cost of the services supplied, and
(ix) is Centrelink intending on purchasing any more such services.

Senator Arbib: The Minister for Human Services has provided the following answer to the honourable senator's question:

Centrelink contracted with Ms S Foster of Sutton for $10 000 of 'cosmetic services' between June 2010 and June 2011 as per contract notice 351334.

(a) Centrelink produces professionally-produced video content to inform and educate the community about essential government payments and services through Front-of-House video played in Centrelink Customer Service Centre waiting areas. Centrelink also produces training videos, DVDs and Video on Demand packages for staff. For major productions, individuals are provided with appearance preparation services appropriate for filming purposes.

(i) The supplier provided appearance preparation services for officers required to be filmed for official purposes, and operated autocue for recordings.

(ii) Centrelink does not have professional camera, audio or appearance/autocue personnel on staff. These services are contracted on an as-needed basis.

(iii) Various Centrelink and DHS staff involved in production and on-camera work.

(iv) The procurement method was indicated incorrectly in AusTender as an Open Tender. The correct method of procurement was Direct Source. The AusTender record was amended on 21st June 2011 to reflect the correct procurement method. In line with normal practice for procurements under $80,000, the procurement was conducted through sourcing quotes from the only two suppliers that can supply the full range of services in the Canberra region.

(v) An open procurement method was not used.

(vi) There was no Request for Tender.

(vii) Yes.

(viii) $7,880.

(ix) Yes.

(b) These services were supplied as per contract notice 351334, therefore the questions listed under part (b) of the Senator's question have not been answered.

Heritage Assessments
(Question No. 690)

Senator Ludlam asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 15 June 2011:

(1) What contingency planning has been undertaken by the department to deal with the reduction in funding for heritage core tasks such as identifying heritage places and providing statutory protection advice.
(2) What full-time equivalent staff numbers are being considered in contingency planning by the department to deal with the reduction in funding for heritage.

(3) What number of National Heritage assessments is being considered for the 2011-12 financial year, given cuts in the department’s human and economic resources.

**Senator Conroy:** The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator’s question:

(1) The department has undertaken an extensive planning and transition process in order to ensure the maintenance of its core heritage responsibilities.

(2) The projected average staffing level in the heritage area under the restructure is 78. The new structure will be reviewed after six months to identify and address any emergent issues not already identified during planning.

(3) Five assessments in the Australian Heritage Council work plan will be considered.

**Innovation, Industry, Science and Research**

(Question No. 700)

**Senator Boyce** asked the Minister for Innovation, Industry, Science and Research, upon notice, on 22 June 2011:

In regard to research and development (R&D) and its conversion to outcomes:

(1) What is the total Federal Government spend on investment in Australian R&D in each financial year.

(2) What proportion of this funding is subject to milestone achievements based on its application to industry or practical use such as in health or environment, that is, how much is translated into tangible outcomes.

(3) What funding is available for translation or commercialisation of this research to help service existing small business in Australia.

(4) What quality assurance measures are conducted by AusIndustry to ensure its programs are administered in the same way across all states.

(5) Do states have the same areas of priorities or are priorities determined on a state by state basis.

(6) Does AusIndustry conduct any customer surveys of those who interact with its grant programs; if so, where are the results of those surveys published.

(7) What statistics does AusIndustry gather to measure the outcomes of its programs.

**Senator Carr:** The answer to the honourable senator’s question is as follows:

(1) The full details of total Federal government investment in R&D are reflected in the Science, Research and Innovation Budget tables. Data for the 10 years up to and including 2011-12 are below and are available on the DIISR website.

The totals in millions of current dollars for each year are:

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<td>2002-03</td>
<td>4,967.2</td>
<td>5,673.6</td>
<td>5,250.7</td>
<td>6,043.2</td>
<td>6,557.3</td>
<td>6,548.5</td>
<td>7,268.1</td>
<td>8,372.3</td>
<td>9,077.3</td>
<td>9,384.0</td>
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(2) All assistance for R&D provided through competitive granting programs is based on the merits of the R&D compared with other applications and is tied to milestone achievement. Technical success in any R&D project is not always guaranteed because of the risk inherent in undertaking R&D. However, the merit criteria used for determining the awarding of assistance in competitive granting R&D programs includes an assessment of the applicant's ability to successfully undertake the project and
assessment of the commercial prospects for the project outcome. Assistance for R&D provided by way of a legislated entitlement program (principally the R&D Tax Concession) is determined by whether the proposed activity is R&D and whether the claimed expenditure is R&D in nature. A successful commercial outcome is not a mandated requirement of this assistance recognising, again, the inherent risk in undertaking R&D and recognising the value and role that R&D activity plays in economic growth.

(3) Commercialisation Australia assists Australia's researchers, entrepreneurs and innovative firms to convert their promising intellectual property into successful commercial ventures. The program has funding of $278 million over the five years to June 2014 and $82 million a year thereafter.

(4) Some AusIndustry programs are delivered across AusIndustry state offices while others are delivered solely by one state office. All programs have a Program Manager and a program management team. All programs have delivery processes, procedures, and guidance material. Program managers are responsible for ensuring that each state office involved in the delivery of their program is trained in the use of the program's guidelines and processes and adheres to those guidelines and processes. A matrix of reporting complements this activity. From time to time, external or internal audits are undertaken to confirm delivery processes and in particular the consistency of delivery arrangements across states.

(5) The priorities are determined by the Program Manager with overall responsibility for the delivery of a program against the background of the Department's overarching priorities. Individual state offices of AusIndustry do not determine their own priorities.

(6) AusIndustry does conduct surveys of customer satisfaction with program delivery. Head-line customer satisfaction results are published each year in the Department's Annual Report.

(7) AusIndustry does not conduct surveys in regard to the conversion of R&D into outcomes.

Innovation, Industry, Science and Research

(Question No. 701)

Senator Boyce asked the Minister for Innovation, Industry, Science and Research, upon notice, on 22 June 2011:

In regard to venture capital funding and start-ups:

(1) How much public funding has been used to assist or subsidise the growth of early stage venture capital funds in Australia over the past five years.

(2) Of those start-up companies that venture capital funds were able to successfully grow and exit:

(a) how many were there; and

(b) how many are still headquartered in Australia.

(3) What was the proportion in which the exit was through sale to a foreign venture capitalist or private equity firm, or the start-up was required to relocate its headquarters offshore.

(4) What has been the immediate return on taxpayers' funds to Australia.

Senator Carr: The answer to the honourable senator's question is as follows:

(1) Between 1 July 2005 and 30 June 2010, $146.00 million has been provided by the Australian Government's early stage venture capital programs: the Innovation Investment Fund, Pre-Seed Fund, Innovation Investment Follow-on Fund and the Renewable Energy Equity Fund.

(2)(a) Since the start of the programs listed under Question 1 to 30 June 2010, 181 investee companies have been supported and there have been 41 exits of which 19 companies have returned greater than cost.

(b) The location of companies which are no longer in these programs is not monitored.

(3) These metrics are not monitored.
(4) Since the start of the programs listed under Question 1 to 30 June 2010, a total of $141.75 million has been returned to the Australian Government.

Innovation, Industry, Science and Research
(Question No. 702)

Senator Boyce asked the Minister for Innovation, Industry, Science and Research, upon notice, on 22 June 2011:

(1) What is the level of collaboration between small business in Australia and the research sector compared with the Organisation for Economic Co-operation and Development [OECD] average.

(2) What percentage of the Government's total innovation budget supports the establishment of such collaboration and de-risking of technology.

(3) (a) How many small and medium enterprises have accessed research and development (R&D) through the Researchers in Business Program; and

(3) (b) why is more not being done to encourage greater uptake of publicly funded R&D by small business.

(4) What is the total and the proportion of Enterprise Connect funding that results in 'new to the industry' or 'new to the world' innovation.

Senator Carr: The answer to the honourable senator's question is as follows:

(1) Small and medium enterprises (SMEs) are defined as those with less than 250 employees for the purposes of comparing with other OECD countries. SME collaboration on innovation with higher education institutions was 3.1 per cent for Australia. This latest figure ranks Australia 13th out of 23 OECD countries in this indicator. SME collaboration on innovation with government institutions was 2.9 per cent for Australia. Based on this latest figure, Australia ranks 9th out of 22 OECD countries. There is no OECD average calculated for collaboration.

(2) The Science, Research and Innovation Budget Tables are the only compilation of the Australian Government's total innovation budget. The document contains a limited amount of data (as specified by OECD requirements for Government Allocation On R&D) from a wide array of portfolios, departments and agencies, covering hundreds of individual programs. That data collection does not require departments to estimate the proportions of programs relating to collaboration or de-risking of technology, and consequently this data is not available.

(3) (a) 78.

(3) (b) The Government's broad range of innovation programs strongly supports R&D by small business.

(4) All Enterprise Connect program funding is directed at increasing innovation in SMEs, whether it supports 'new to industry' or 'new to the world' innovation. Data is not collected to break this down further.

Innovation, Industry, Science and Research
(Question No. 703)

Senator Boyce asked the Minister for Innovation, Industry, Science and Research, upon notice, on 22 June 2011:

(1) How many companies have received proof of concept funding from Commercialisation Australia since it was established.

(2) How is their progress measured and reported.

(3) How many applicants have applied for such funding.
(4) What happens to unsuccessful applicants.

(5) Are unsuccessful applicants helped in any way, for example, are they given tools or other mentoring to assist them develop.

Senator Carr: The answer to the honourable senator's question is as follows:

(1) Sixty nine companies have been offered proof of concept funding from Commercialisation Australia since it was established.

(2) Participants are required to report progress against the milestones as outlined in the funding agreement. The funding agreement requires participants who receive a proof of concept grant to provide regular reports to the Department—including a baseline data report; quarterly progress reports; an end of project report and audited financial statement; and periodic and annual post project reports. Participants are also required to complete a survey or provide information to assist with an evaluation of the program.

(3) One hundred and thirty five applicants have been considered for proof of concept funding.

(4) Unsuccessful applicants are provided with constructive feedback on why their application was not successful for support under Commercialisation Australian. Where appropriate they are referred to other suitable Commonwealth, State or Territory programs. Many applicants also benefit from the application process itself. The application form requires them to consider key business questions and they also receive constructive feedback from Case Managers.

(5) As outlined in response to Question 4, applicants are referred to other suitable Commonwealth, State or Territory programs which may include tools or mentoring services.

Taxation

(Question No. 706)

Senator Bob Brown asked the Minister representing the Treasurer, upon notice, on 22 June 2011:

In the case of a company or individual which donates the use of a private plane to Nauru for members of a federal political party, would the company or individual be eligible for a tax deduction for the cost of the flight.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

In the situation described, it is unlikely that a company or individual would be eligible for a tax deduction for the cost of the flight.

Amendments to the Income Tax Assessment Act 1997 effective from 1 July 2008 removed:

- general deductions for business taxpayers for contributions and gifts to political parties, members and candidates, and
- deductions for political donations made by businesses or individuals in the course of carrying on a business.

Political contributions and gifts made on or after 1 July 2008 must meet several requirements to be tax deductible under subdivision 30-DA of the Income Tax Assessment Act 1997.

The donor must be an individual and the contribution or gift must not be made in the course of carrying on a business.

The recipient must be:

- a political party registered under Part XI of the Commonwealth Electoral Act 1918 or under corresponding state or territory legislation, or
• an individual who is or was an independent member of—or who is an independent candidate for—the Commonwealth Parliament, a state parliament, the Legislative Assembly of the Northern Territory or the Legislative Assembly for the Australian Capital Territory.

Even if the contribution or gift is made by an individual in their personal capacity and not made in the course of carrying on a business, there are other requirements that would not be met in this case. The contribution or gift must be $2 or more, and be:

• money, or
• property purchased by the contributor or donor during the 12 months before making the contribution or gift.

To be tax deductible under this subdivision, there must be a transfer of money or property. Therefore there is no deduction for the gift of a service, for example, the use of a private plane as neither money nor property has been transferred. If however property has been transferred as part of providing the service, a deduction may be allowed in relation to the property.

If it could be ascertained that some property was donated, the most that contributors or donors may claim in an income year is:

• $1,500 for contributions and gifts to political parties, and
• $1,500 for contributions and gifts to independent candidates and members.

Only employees or office holders may claim deductions for political contributions incurred in earning assessable income as a general deduction.

**Australian Competition and Consumer Commission**

*(Question No. 708)*

**Senator Abetz** asked the Minister representing the Treasurer, upon notice, on 23 June 2011:

With reference to the answer to question on notice no. 156 (Senate *Hansard*, 8 February 2011, p. 137) relating to the Australian Competition and Consumer Commission (ACCC) and Mr Brooke Groombridge:

(1) In regard to the answer to paragraph (3) and generally: did the ACCC advise Giant Bicycle Company Pty Ltd that it decided not to pursue the matter in response to its receipt of the AMAT Materials Engineering Pty Ltd report; if so:

(a) when was the Giant Bicycle Company Pty Ltd advised by the ACCC; and

(b) when was the AMAT Materials Engineering Pty Ltd report received.

(2) In regard to the answer to paragraph (8):

(a) who authored:

(i) the letter dated 29 November 2005 to Giant Bicycle Company Pty Ltd, and

(ii) the draft letter dated 13 December 2005 for the then Parliamentary Secretary to the Treasurer (Mr Pearce);

(b) which area in the ACCC deals with the functional responsibility of product safety policy and how many people work in this area; and

(c) given the change in the terminology in the two letters referred to above, not to include the word 'seriousness' in the second letter, can the Treasurer advise if:

(i) any available information had changed; and if so, what was it, and

(ii) a change in professional assessment was undertaken; if so, by whom and on what basis.
(3) What documentary evidence, if any, did the ACCC have in its possession to 'establish' the reason for the bike component failure.

(4) In regard to the answer to paragraph (12), does the ACCC acknowledge that it has no basis for describing the bicycle examiners as 'bicycle specialists'.

(5) In regard to the answer to paragraph (13), was the ACCC unaware that the bicycle examiners were both authorised Giant Bicycle Company Pty Ltd dealers, and does the ACCC consider such a relationship disqualifies the examiners from being considered 'independent'.

(6) In regard to the answer to paragraph (18):
   (a) are the ACCC's Melbourne office staff who dealt with Mr Groombridge's complaint the ACCC's representatives on the Standards Australia Technical Committee for pedal bicycles; if so, do each of the staff hold technical qualifications, and in each case what are those qualifications;
   (b) were the staff referred to fully acquainted with the preface of AS/NZS1927 (1998); and
   (c) were any ACCC staff who were representatives on the Standards Australia Technical Committee for pedal bicycles consulted about the assessment of the HRL Technology Pty Ltd Compliance Assessment Report; if so, when.

(7) In regard to the answer to paragraph (19), can the ACCC provide examples where it alleges Mr Groombridge has selectively quoted and misled; if so, can examples be provided.

**Senator Wong:** The Treasurer has provided the following answer to the honourable senator's question:

(1) Yes, at least in part.
   (1) (a) ACCC advised Giant Bicycle Company Pty Ltd that the Melbourne office would not be pursuing the matter in a letter dated 22 December 2005.
   (1) (b) The AMAT Materials Engineering Pty Ltd report was received under cover of a letter dated 21 December 2005.
   (2) (a) (i) The letter of 29 November was signed by the (Melbourne) Deputy Regional Director, ACCC.
   (2) (a) (ii) As the letter dated 13 December 2005 is a draft only and has no particular status, contributors to the drafting process cannot be ascertained with certainty.
   (2) (b) The product safety policy function now resides in the Product Safety Branch of the ACCC. Within the Branch, many staff contribute to product safety policy development. A Regulatory Policy Section has also been established in the Branch. That section currently has four staff.
   (2) (c) Given that the letter of 13 December 2005 was a draft only (which did not progress to final) and the content had not been settled, comparing expressions used in that draft with the content of the letter of 29 November 2005 does not appear material.
   (2) (c) (i) Whether or not available relevant information had changed between 29 November 2005 and 13 December 2005 cannot be ascertained from available records.
   (2) (c) (ii) Whether or not further professional assessment of the issues was undertaken between 29 November 2005 and 13 December 2005 cannot be ascertained from available records.
   (3) As at 13 December 2005, the ACCC did not hold documentary evidence which established the precise reason for the component failure on Mr Groombridge's six year old bicycle.
   (4) The ACCC was advised that the persons who examined Mr Groombridge's bicycle were specialist bicycle retailers with some years of experience in the bicycle industry.
   (5) Bicycle retailers are often authorised resellers of a range of bicycle brands. The ACCC had no reason to question the merits of the examiners' opinions.
(6) (a) No.
(6) (b) The staff concerned no longer work for the ACCC. Their familiarity or otherwise with the preface of AS/NZS 1927 (1998) is not known.
(6) (c) Yes. While the timing of that consultation cannot be accurately ascertained from available records, it most likely first occurred around the time the HRL Reports were first received in November 2005.
(7) In his letter to the ACCC dated 4 August 2009, Mr Groombridge quoted approximately 30 extracts from ACCC correspondence and materials spanning a number of years. All such selective quotes have the potential to be misleading to persons unfamiliar with the full context.

**Taxation**

(Question No. 724)

Senator Abetz asked the Minister representing the Treasurer, upon notice, on 29 June 2011:

With reference to the luxury car tax changes where exemptions were made for particular categories for vehicles associated with primary production and tourism, can details be provided on how many vehicles and individuals have been provided with the exemption since the implementation of the scheme.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

Under sections 18-5 and 18-10 of the *A New Tax System (Luxury Car Tax) Act 1999*, eligible primary producers and tourism operators are able to apply for a refund of the luxury car tax paid for certain cars. The amount of luxury car tax refundable is up to $3,000 of the luxury car tax paid.

Primary producers are limited to a refund entitlement of one car per financial year.

Between 1 July 2008, the commencement of the scheme and 25 July 2011, a total of 610 individuals/businesses were provided with a refund of luxury car tax. Of the 610 claims paid, 591 were for vehicles used by primary producers and 19 for vehicles used by tourism operators.

**Carbon Pricing**

(Question No. 727)

Senator Ronaldson asked the Minister representing the Prime Minister, upon notice, on 4 July 2011:

In a post on the Prime Minister's blog dated 30 May 2011, the Prime Minister (Ms Gillard) wrote, 'The best way to cut carbon pollution is to make up to 1000 of our biggest polluters pay for every tonne of carbon pollution they generate. Not households. Not small businesses. Just the top 1000 polluters': Can a list be provided detailing each of the top 1000 polluters that the Prime Minister was referring to in her post.

Senator Chris Evans: The Prime Minister has provided the following answer to the honourable senator's question:

I am advised that the carbon price will be applied to those companies that have operational control over a facility that emits over 25,000 tonnes annually of CO2-e emissions, except where those companies are in sectors not covered by the carbon price.

Estimates of the number of companies that will be liable to pay a carbon price is largely based on emissions data previously reported under the National Greenhouse and Energy Reporting Act 2007 (the NGER Act).

Of the estimated 500 businesses to be subject to a carbon price:

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**QUESTIONS ON NOTICE**
around 60 are primarily involved in electricity generation;
around 100 are primarily involved in coal or other mining;
around 40 are natural gas retailers;
around 60 are primarily involved in industrial processes (cement, chemicals and metal processing);
around 50 operate in a range of other fossil fuel intensive sectors; and
the remaining 190 operate in the waste disposal sector.

Given that only greenhouse gas emissions and energy consumption data can be published by the Greenhouse and Energy Data Office, it is not possible to provide details of corporations listed on the NGER Register as this would breach secrecy provisions under the NGER Act.

**Australian Nuclear Science and Technology Organisation**

*(Question No. 728)*

**Senator Ludlam** asked the Minister for Innovation, Industry, Science and Research, upon notice, on 4 July 2011:

In regard to former Australian Nuclear Science and Technology Organisation (ANSTO) employee, Mr David Reid:

1. Was Mr Reid dismissed on 17 June 2011.
2. Was Mr Reid's letter of dismissal hand delivered to him in a local pub.
3. Does ANSTO management consider this an appropriate means of conducting human resources business.
4. Did ANSTO management televise a copy of this dismissal letter over the internal network at the Lucas Heights facility on 23 June 2011, and was that the vision showing in the cafeteria in Building 23 during a staff meeting; if so, what was the intention of ANSTO management and has ANSTO management breached Mr Reid's privacy.

**Senator Carr:** The answer to the honourable senator's question is as follows:

1. Yes.
2. The letter was delivered to Mr Reid at a venue and time of his choosing. The only ANSTO requirement was for the handover to occur in a public place, remote from the Lucas Heights site, for security reasons. No private details were discussed during the handover of the letter.
3. As per the answer to (2).
4. No.

**Mining**

*(Question No. 833)*

**Senator Ludlam** asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 6 July 2011:

With reference to the answer to question on notice no. 659 (Senate *Hansard*, 16 June 2011, p. 137), regarding preliminary discussions between the department and the Western Australian Department of Mines and Petroleum about a possible intermodal facility at Parkeston and its potential use for uranium transport:

1. Who is the proponent for this facility.
2. Is the proponent a corporation or joint venture between multiple corporations.
(3) Is there any formal arrangement between the proponent and the Western Australian Department of Mines and Petroleum.

(4) Has there been any discussion about the financing of the facility.

(5) At what stage of planning is the facility.

(6) Are there any preliminary designs of the intermodal facility.

(7) What minerals or materials would the facility be in aid of.

(8) Have there been any preliminary discussions on the location of the facility within Parkeston.

(9) Has there been a referral of the facility to any state or federal government department.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) The proposal has not been referred under the Environment Protection and Biodiversity Conservation Act 1999, consequently a proponent has not been determined.

(2) See answer to question 1.

(3) The department and the Western Australian Department of Mines and Petroleum have not discussed this matter.

(4) The department and the Western Australian Department of Mines and Petroleum have not discussed this matter.

(5) Planning for the facility is understood to be at a very early stage. Neither the department nor the minister have been involved in the planning process so I am unable to provide a more definitive answer to this question.

(6) The department has not seen any preliminary designs.

(7) This would be a matter for the proponent in the first instance.

(8) The department and the Western Australian Department of Mines and Petroleum have not discussed this matter.

(9) No.

Tourism
(Question No. 836)

Senator Abetz asked the Minister representing the Prime Minister, upon notice, on 15 July 2011:

With reference to the answer to question no. 40 taken on notice during the 2011-12 Budget estimates hearings of the Finance and Public Administration Legislation Committee, what was the destination/s and purpose/s of the trip Mr Rudd requested, which was not approved by the Prime Minister.

Senator Chris Evans: The Prime Minister has provided the following answer to the honourable senator's question:

A number of ministers, including the Minister for Foreign Affairs, proposed to attend an Australian tourism promotion event and undertake related meetings in the United States in January 2011. It was decided that the Minister for Tourism should attend on behalf of the Government.

Sustainability, Environment, Water, Population and Communities
(Question No. 837)

Senator Abetz asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 19 July 2011:
With reference to the answer to question no. 164 taken on notice during the 2011-12 Budget estimates hearings of the Environment and Communications Legislation Committee which stated that the ‘draft responses to questions on notice 71 and 72 [from the 2010-11 additional estimates hearings in February 2011] were submitted to the Minister's office on 23 March 2011’ and given that the answers to questions 72 and 71 were not provided to Senator Abetz until 23 May and 24 May 2011, respectively: what is the Minister's reason for the transmission of these answers being delayed for 2 months.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

Draft answers to questions 71and 72 were provided to my office on 23 March 2011. Question 72 was sent back to the department for redrafting on 5 April 2011 and resubmitted to my office on 7 April 2011 for consideration.

The answers to these questions were approved for tabling on 23 May 2011.

Australian Nuclear Science and Technology Organisation
(Question No. 841)

Senator Ludlam asked the Minister for Innovation, Industry, Science and Research, upon notice, on 21 July 2011:

In regard to the attendance of Australian Nuclear Science and Technology Organisation (ANSTO) personnel at the Berri Barmera Council meeting held in Berri, South Australia on 19 April 2011:

(1) Were the representatives from ANSTO invited by the council or did the department offer or request a place on the council meeting agenda.

(2) Have any other councils in any state or territory been given similar deputations; if so, when and where did these occur.

(3) Are there plans or has there been discussion regarding similar presentations to be given to other councils; if so, when and where.

(4) Since the 19 April 2011 meeting in Berri, has there been any further correspondence between ANSTO and the Berri Barmera Council; if so, can a copy of this correspondence be provided.

(5) Can a copy of the notes or presentations used by the ANSTO representatives to address the Berri Barmera Council be provided.

(6) Can a copy of the report given to the Minister following the deputation be provided.

Senator Carr: The answer to the honourable senator's question is as follows:

(1) ANSTO's attendance was at the request of the Department of Resources, Energy and Tourism.

(2) ANSTO also participated in a briefing to the Palmerston Council on 5 July 2011. That participation was also at the request of the Department of Resources, Energy and Tourism.

(3) ANSTO is unaware of any such discussions. This question should be directed to the Department of Resources, Energy and Tourism.

(4) No.

(5) Yes. A copy of the presentation has been provided to the Senate Tabling Office and can be provided on request.

(6) ANSTO did not prepare a report for the Minister.